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Report of the independent international commission of inquiry on the Syrian Arab Republic*

Summary

In the present report, the commission of inquiry covers the investigations conducted from 15 July 2013 to 20 January 2014. Its findings are based on 563 interviews and other collected evidence.

More than 250,000 people are besieged in the Syrian Arab Republic and subjected to relentless shelling and bombardment. They are denied humanitarian aid, food and such basic necessities as medical care, and must choose between surrender and starvation. Siege warfare is employed in a context of egregious human rights and international humanitarian law violations. The warring parties do not fear being held accountable for their acts.

The scale and geographic distribution of violations perpetrated by government forces and pro-government militia, and non-State armed groups, differ among violations.

Government forces and pro-government militia continue to conduct widespread attacks on civilians, systematically committing murder, torture, rape and enforced disappearance as crimes against humanity. Government forces have committed gross violations of human rights and the war crimes of murder, hostage-taking, torture, rape and sexual violence, recruiting and using children in hostilities and targeting civilians in sniper attacks. Government forces disregarded the special protection accorded to hospitals, medical and humanitarian personnel and cultural property. Aleppo was subjected to a campaign of barrel bombing that targeted entire areas and spread terror among civilians. Government forces used incendiary weapons, causing superfluous injury and unnecessary suffering, in violation of international humanitarian law. Indiscriminate and disproportionate aerial bombardment and shelling caused large-scale arbitrary displacement. Government forces and pro-government militia perpetrated massacres.

* The annexes to the present report are circulated as received, in the language of submission only.

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Non-State armed groups, named in the report, committed war crimes, including murder, execution without due process, torture, hostage-taking, violations of international humanitarian law tantamount to enforced disappearance, rape and sexual violence, recruiting and using children in hostilities, attacking protected objects and forcibly displacing civilians. Medical and religious personnel and journalists were targeted. Armed groups besieged and indiscriminately shelled civilian neighbourhoods, in some instances spreading terror among civilians through the use of car bombings in civilian areas. In Al-Raqqah, the widespread detention of civilians and their systematic torture by identified armed groups amounted to a crime against humanity. Non-State armed groups perpetrated massacres.

Chemical weapons, specifically sarin, were found to have been used in multiple incidents during the conflict. In no incident was the commission's evidentiary threshold met with respect to the perpetrator.

States that exert influence on the parties in the Syrian Arab Republic must act to ensure that these parties comply with the rules of international humanitarian law. The Security Council bears responsibility for allowing the warring parties to violate these rules with impunity.

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I. Introduction

1. In the present report, submitted pursuant to Human Rights Council resolution 22/24, the independent international commission of inquiry on the Syrian Arab Republic presents its findings based on investigations conducted from 15 July 2013 to 20 January 2014.[1] The report should be read in conjunction with previous reports of the commission.[2]

A. Challenges

2. The commission's investigations remain curtailed by the denial of access to the Syrian Arab Republic.

3. The correspondence between the Permanent Mission of the Syrian Arab Republic and the commission is annexed to the present report (see annex I).

B. Methodology

4. The methodology employed by the commission was based on standard practices of commissions of inquiry and human rights investigations. The commission relied primarily on first-hand accounts.

5. The information contained in the present report is based on 563 interviews conducted in the region and from Geneva. Starting in September 2011, a total of 2,648 interviews were conducted by the commission. Photographs, video recordings, satellite imagery and medical records were collected and analysed. Reports from Governments and non-governmental sources, academic analyses and United Nations reports formed part of the investigation.

6. The standard of proof is met when the commission has reasonable grounds to believe that incidents occurred as described.

II. Conflict dynamics

7. The conflict in the Syrian Arab Republic has grown in intensity and scope, as warring parties renewed efforts to strengthen their negotiation positions before the Geneva II conference. Despite intermittent tactical gains by the Government, fighting reached a stalemate, costing the country and the parties' significant human and material losses. Particularly fierce around major cities and along main lines of communication, hostilities involved more brutal tactics and means. The Government relied extensively on the superior firepower of its air force and artillery, while non-State armed groups increasingly resorted to methods of asymmetric warfare, such as suicide bombings and the use of improvised explosive devices.

8. The war has become deeply fragmented and localized, with the emergence of multiple frontlines involving different parties with shifting priorities. Primarily aimed at limited short-term agendas, these confrontations have been fuelled mostly by local operational and socioeconomic particularities rather than by the broader context of the

[1] The commissioners are Paulo Sérgio Pinheiro (Chairperson), Karen Koning AbuZayd, Vitit Muntarbhorn and Carla Del Ponte.

[2] S-17/2/Add.1, A/HRC/19/69, A/HRC/21/50, A/HRC/22/59, A/HRC/23/58 and A/HRC/24/46.

conflict. The hostilities in north-eastern governorates saw Kurdish forces fighting radical Islamic armed groups in a distinct subconflict, with its own front lines and internal military dynamics. In many cases, communities in central governorates brokered localized ceasefires.

9. External factors have increasingly driven the course of the conflict. While pushing for a political solution, international stakeholders continued to support the belligerents financially and logistically to influence the outcome of the conflict in line with their respective interests. Private donors and intermediaries from the region played an instrumental role in supporting specific armed groups or operation rooms with fundraising campaigns conducted through social media. Meanwhile, thousands of foreign fighters joined the hostilities, either officially in support of the Government or clandestinely in armed groups, fuelling the sectarian dimension of the conflict with their composition and narratives.

10. Sectarian rifts became more pronounced and expanded beyond the borders of the Syrian Arab Republic, threatening security and stability in neighbouring countries. The danger of further destabilization in the region is real and of serious concern.

A. Government forces and pro-government militia

11. Government forces regained several strategic areas through the use of heavy firepower, the systematic engagement of irregular forces and greater involvement of foreign forces. While maintaining most key urban centres and lines of communication under their control, they threatened armed opposition strongholds in Damascus and Aleppo. They have, however, failed to re-establish effective control of countryside previously lost to armed groups.

12. The ranks of pro-government irregular forces, both paramilitary and militia groups, and their use in direct combat operations grew. Besides the National Defence Forces, the Baath party battalions, popular committees and *shabbiha* groups continued to operate in their neighbourhoods while increasingly engaged in support of the military on a regular basis. The Government also benefited from the support of foreign combat units, including Hizbullah and Iraqi militia, particularly in critical operations.

13. As part of their strategy aimed at weakening the insurgents and breaking the will of their popular base, government forces besieged several localities, a strategy reinforced by prolonged shelling campaigns. Partial sieges aimed at expelling armed groups turned into tight blockades that prevented the delivery of basic supplies, including food and medicine, as part of a "starvation until submission" campaign.

B. Non-State armed groups

14. As the conflict intensified, non-State armed groups, encompassing all non-government aligned armed groups, engaged in sequential realignments and infighting. Fragmentation thwarted initiatives to bring them under a unified command with a cohesive structure and a clear strategy. Persisting ideological, political and social differences resulted in diverse and sometimes antagonistic positions.

15. Connectivity among armed groups improved across the country, leading to the establishment of permanent or temporary coordination and integration mechanisms, including coalitions and operation rooms. These realignments were based on common tactical objectives, shared ideologies, pressure from external backers or simply operational necessity. In this context, local Islamic coalitions, such as the Islamic Front, have

marginalized the non-ideological and moderate groups, partly owing to the selective financial support provided by certain Governments and their nationals.

16. To describe this complex landscape, non-State armed groups can be classified into four broad, non-exclusive umbrellas:

- Syrian moderate nationalists organised in a conglomeration of armed groups affiliated to the internationally backed Supreme Military Council, fighting the Government and calling for the formation of a democratic and pluralistic State. This also includes moderate Islamic groups and armed groups with local agendas limited to their communities' aspirations.

- Syrian Islamic armed groups bringing together fighters aimed at the ousting of the Government and militating for the institution of sharia law as the framework of an Islamic State in the country.; This category encompasses fighters from a wide Islamic ideological spectrum.

- Radical Jihadist groups, including the two major Al-Qaieda affiliates, Jabhat Al-Nusra, and the Islamic State of Iraq and Al-Sham (ISIS), recruited from Salafi jihadist fighters and with the substantial presence and influence of foreign fighters. A rift has grown between the two groups, as the former remained engaged alongside other rebel groups in fighting government forces, while ISIS prioritized the consolidation of its territorial control against all encroachments.

- Kurdish armed groups, mainly the Popular Protection Units (YPG), who have taken charge of protecting and governing territory, benefiting from a unified command, disciplined members and popular support. They reinforced their control of Kurdish regions after engaging in combat against other armed groups, in particular Al-Qaida affiliates in Aleppo, Ar Raqqah and Al Hasakah governorates.

17. The overlap in ideological orientation and political aspirations, as well as continuous individual and collective migration among the first three groups, makes it difficult to draw linear or fixed lines of separation among these categories. Securing logistical resources, in particular funding, has become the most important driving factor of structural and operational dynamics among rebel groups. In many cases, joining an armed group or a coalition is more a matter of survival than genuine ideological engagement.

18. In this intricate context, internal strife among rebel groups from all categories has escalated over the control of territories and resources, including roads, border crossings, smuggling routes and natural resources. Recently, long-brewing tensions between ISIS and other rebel groups, including the Islamic Front, culminated in violent hostilities extending across northern and northeastern governorates.

19. A description of the current political and humanitarian context is annexed to the present report (see annex II).

III. Violations in the treatment of civilians and *hors de combat* fighters

A. Massacres and other unlawful killing[3]

1. Government forces and pro-government militia

20. Government forces continue to unlawfully kill those perceived as potential enemies, including civilians and hors de combat fighters, in violation of common article 3 of the Geneva Conventions. In Damascus countryside, Government forces tightened sieges on opposition-controlled areas, adopting increasingly brutal tactics against anyone perceived as a threat. Syrian forces outside Muadamiyah and Daraya killed persons passing through checkpoints. Killings were documented at the 4th Division checkpoint near Mezzeh Airport, as well as at Summariah and Sahnaya checkpoints.

21. Bedouins, particularly the Jamlan, Harb, Abadah and Na'im tribes, were targeted because of their perceived affiliation with the armed opposition. On 29 July 2013, three Bedouin men were arrested and executed by government forces near Bley, a military airport in southern Damascus. Syrian army soldiers shot two unarmed Bedouin men while patrolling Al-Bitariyah on 7 August. In early September, three Bedouin men were shot at close range at a checkpoint between eastern Ghouta and Damascus International Airport.

22. Government forces targeted sick and wounded persons, particularly men seeking medical treatment, regarding their wounds as indicative of participation in hostilities. In mid-September, persons receiving treatment for non-life-threatening injuries in Mowasat Hospital were found dead after soldiers entered their operating rooms. One male relative who witnessed the soldiers was asked for identification and shot upon discovery of his family ties to the victims. On 24 October, Free Syrian Army (FSA) fighters were escorting a convoy of injured civilians and fighters out of Al-Nashabeyah when they were ambushed. Soldiers from the 22nd Brigade approached and killed the wounded at close range.

23. During the campaign to recapture Homs governorate, government forces perpetrated unlawful killings. In mid-July, internally displaced persons in eastern Homs were routinely apprehended in Al-Furqlus and killed by soldiers of the 18th Division. On 21 July, government forces, supported by *shabbiha*, entered Sukhnah, eastern Homs, and conducted house raids, during which they shot eight civilians. In Houlah, during Ramadan, government forces conducted house searches and arrests. Bodies of people arrested during these raids were later returned to their relatives.

24. Government forces continue to control the majority of Hama governorate. On 7 August, government forces, supported by National Defence Forces, killed a man at the checkpoint near Al-Jadeedah. In late September, *shabbiha* raided a house in Jalmeh, killing a defector.

2. Non-State armed groups

1. Killings that amount to the war crime of murder

25. Two 15-year-old boys, abducted near Nubul (Aleppo) on 26 June were executed on 11 August 2013 in Mayer, when demands of the ISIS Emir in Tal Rifaat and Azaz were not met. Their corpses were mutilated, almost beyond recognition. A video of the execution

[3] See also annex III.

was posted on the Internet. In September, ISIS attacked the Northern Storm Brigade headquarters and prison in Jebel Barsaya, executing one prisoner.

26. Alawite farmers in Al-Ghab Valley (Hama) are routinely abducted and killed by armed groups operating from surrounding Sunni villages. Since May 2013, several farmers have been shot while cultivating their fields.

27. Non-State armed groups executed captured soldiers. After armed group fighters took control of a government military checkpoint located 2 kilometres from Maaloula (Damascus countryside) on 4 September, they captured and executed soldiers stationed there. On 7 September, fighters raided a house on Mar Sarkis Street. Fighters separated the women and elderly, then took three men outside and shot them.

28. Since July, Jabhat Al-Nusra, at times in coordination with other armed groups, carried out a series of killings of Kurdish civilians in Al Youssoufiyah, Qamishli and Al-Asadia (Al-Hasakah). During a raid by ISIS, Jabhat Al-Nusra, the Islamic Front and FSA battalions, fighters killed a Kurdish Yazidi man in Al-Asadia who refused to convert to Islam.

2. Killings amounting to the war crime of execution without due process

29. Certain armed groups, in establishing control over areas in north-eastern Syria, conducted public extrajudicial executions in violation of fair trial guarantees, violating common article 3 of the Geneva Conventions. In late August, the Northern Storm Brigade executed an unidentified man in the public square of Azaz (Aleppo).

30. The FSA-affiliated Gathering of Ahrar Nawa Battalions entered Nawa (Dara'a) in mid-September and captured three government soldiers. They were interrogated to determine whether they had been involved in "bloodshed", then summarily executed.

31. During an attack on a government checkpoint in Jisr Al Shughur (Idlib) on 7 October, the FSA Al Sai'qa Brigade captured one soldier. The fighters sought advice on sharia law. Their contact instructed them to execute the soldier, stating that "those that surrender after being captured will be killed".

32. In October, Ahrar Al-Sham captured an alleged car bomber in Binnish (Idlib). The man was interrogated and beaten to extort a confession, then summarily executed following a trial conducted by "defector judges".

33. Jabhat Al-Nusra and ISIS carried out public executions in Tal Abyad (Ar Raqqah) in September. Armed groups conducted public executions to assert their presence after taking control of an area and to instil fear among the population.

B. Arbitrary arrest and unlawful detention

1. Government forces and pro-government militia

34. Government forces conducted arbitrary arrests during or immediately following ground operations. From July to September 2013, government forces conducted a campaign of arrests throughout Homs in Al-Qaryatayn, Houlah, Karm Al-Zeytun and Dewayer, as well as in Sinjar (Idlib) in July, Al-Jalmeh (Hama) in November, and Beit Jin (Damascus countryside) and Kafr Shams (Dara'a) in September. Men and adolescent boys were targeted, although children, women and elderly persons were also detained.

35. Families of suspected members of armed groups, including deceased fighters, were detained with the purpose of obtaining information or as retribution. This has instilled fear among entire communities. Consequently, families from Muadamiyah (Damascus countryside) no longer publish death notices.

36. Residents of opposition-controlled areas were arrested and detained when passing through checkpoints. In July, a woman was arrested at a Damascus checkpoint because her identity card indicated her former residence as Dara'a. Such practices have curtailed the freedom of movement of civilians, in particular men and boys over 12 years.

37. Doctors and rescue workers were detained on the grounds that they assisted "terrorists" in Hama and Damascus. Human rights defenders and political activists were targeted for arrest and detained in Damascus, limiting their freedom of expression and opinion.

38. Persons were detained without a legal basis, their detention was not justified on permissible grounds and they were not accorded their right to a review of the grounds and legality of their detention. Government forces conducted arbitrary arrests and unlawful detention, in violation of international human rights law.

2. Non-State armed groups

39. Non-State armed groups arbitrarily deprived persons of their liberty, violating their obligations under international humanitarian law. Armed groups did not afford detainees an initial and periodic review of the detention by an independent entity.

40. In late July 2013, ISIS fighters arrested Kurdish civilians in Tal Abyad (Ar Raqqah) on the basis of their ethnicity. In August, a doctor was apprehended by a FSA brigade in Aleppo city because he had provided medical aid to government soldiers. In Aleppo governorate, people were arbitrarily arrested and unlawfully detained by Jabhat Al-Nusra, Ahrar Al-Sham and ISIS. Summary judgements passed by mechanisms not fulfilling the minimum standards for due process guarantees sometimes formed the basis for imprisonment.

C. Hostage-taking

41. Warring parties engaged in hostage-taking, in violation of international humanitarian and criminal law. There has been a rise in incidents perpetrated by non-State armed groups, in particular by ISIS.

42. Belligerents, motivated by financial gain or to exchange prisoners held by opposing forces, abducted individuals. In some instances, criminal gangs used the conflict as an opportunity for self-enrichment. As abductions accelerated, civilians fled their homes, seeking safety. Some families restricted women and girls to their homes, limiting their freedom of movement and their access to education.

1. Government forces and pro-government militia

43. Government forces, National Defence Forces, popular committees and *shabbiha* groups took hostages for ransom in Latakia and Tartus governorates. Al Mashtal checkpoint in Tartus is notorious.

44. In Beit Jin and Saesae (Damascus countryside), Syrian intelligence services abducted women and children at checkpoints to exchange for soldiers held by armed groups.

2. Non-State armed groups

45. On 25 June 2013, two teenage boys were kidnapped outside of Nubul and Zahra, Shia enclaves in northern Aleppo governorate. When a prisoner exchange failed, the boys were executed. On 23 and 24 September, two convoys of 60 women and children were abducted by Jamaat Al-Husba after leaving Nubul and Zahra. In Latakia, following an

attack by armed groups on eastern Alawite villages, 120 women and children were taken hostage and are being held, reportedly by Ahrar Al-Sham.

46. On 21 July, during an ISIS attack on Tal Abyad (Ar Raqqah), several hundred Kurdish men were taken hostage to effect a prisoner exchange for a captured ISIS commander. In July and August, Kurdish civilians were kidnapped for ransom by Jabhat Al-Nusra, in locations stretching from Qamishli to Al-Malikiyah.

D. Enforced disappearance

1. Government forces and pro-government militia

47. In a conference room paper, the commission examined the occurrence of enforced disappearances in the Syrian Arab Republic between March 2011 and November 2013 (see annex IV). Reports of disappearances continue to be received. In September 2013, a 70-year-old man was arrested by intelligence agents at the Nahar Aisha checkpoint (Damascus). His whereabouts remain unknown.

48. Syrian authorities systematically refuse to acknowledge the deprivation of liberty or to notify the families of the fate or whereabouts of their relatives. Families are often afraid to approach the authorities. Means of obtaining information include former detainees and corrupt officials.

49. Enforced disappearance is committed as part of a widespread attack against the civilian population and constitutes a crime against humanity.

2. Non-State armed groups

50. ISIS is adopting practices that may lead to acts tantamount to enforced disappearance, in breach of their obligations under international humanitarian law. In August 2013, an activist disappeared in Ar Raqqah; a fellow detainee indicated that he was being held by ISIS, which denied this. On 9 December, three activists were seized in Dumah (Damascus). Currently listed as missing, their whereabouts and the identity of those holding them remain unknown.

E. Torture and ill-treatment

1. Government forces and pro-government militia

51. Torture and other forms of ill-treatment by government forces and pro-government militia continue to be perpetrated extensively at detention facilities, by intelligence agencies, at checkpoints around besieged areas, during house raids, as a means to extract information and to punish and inflict terror on the population.

52. Torture and ill-treatment are routinely committed in official detention facilities (see annex V), in particular intelligence agencies such as the Political Security Branch in Aleppo, the Military Intelligence Branch 227 and Military Intelligence Branch 215, the Mezzeh Airforce Intelligence facility, the Qaboun Military Police Branch and Sednaya Prison in Damascus, the Gharez Central Prison in Dara'a and the Military Intelligence Branch in Homs. Methods of torture, including severe beatings about the head and body, prolonged hanging by the arms and sexual torture continue, as previously documented by the commission. Victims showed physical injuries consistent with a pattern of torture.

53. Abuses were also widely reported at checkpoints surrounding besieged areas, around Al-Ghouta in September, as well as the checkpoints around Kafr Shams (Dara'a) until September. The use of torture and ill-treatment is part of the siege strategy, employed in order to contain the local population.

54. Beatings and ill-treatment were perpetrated during house raids in Homs in September and Dara'a in July and October 2013.

55. Conditions of detention were characterized by a lack of food, water, space, sleep, hygiene and medical care. Such conditions led to the death of detainees. One interlocutor stated that a detained family member had requested only one visit every six months, because he was beaten after visits and his health had greatly deteriorated after each visit. With inadequate sanitary facilities and no medical care, detainees frequently fell ill. In July, a detainee shouting in agony asking the prison guards to take him to a toilet was beaten to death in front of other detainees. Conditions of detention constitute cruel, inhuman or degrading treatment or punishment.

56. Government forces and militia perpetrated torture and other forms of cruel, inhuman or degrading treatment or punishment as part of a widespread attack directed against a civilian population, indicating the existence of an organizational policy. Widespread recourse to torture denotes a systematic attack on the civilian population. Torture and other inhumane acts as crimes against humanity, as well as war crimes, were committed by government forces and militia.

2. Non-State armed groups

57. Areas of Aleppo under the control of non-State armed groups were the scene of incidents of torture and ill-treatment by groups such as the Saddam Hussein Battalion of the Al-Tawheed Brigade, the Northern Storm Brigade and the Coalition of Al-Kifaa' Brigades. Civilians were targeted by the Sharia Board, employing harsh interrogation techniques and beatings during arbitrary detention.

58. In Damascus, civilians were detained and tortured in August 2013 for their religion alone. Hostages taken by non-State armed groups reported being subjected to physical and psychological torture. In Idlib, journalists have been targeted, detained and tortured since July by armed groups. In Tal Abyad (Ar Raqqah), in late July, Kurds were beaten and electrocuted by ISIS and Jabhat-al-Nusra, Ahrar Al-Sham and Shahid Walid Al-Sukhni Battalion at their headquarters. An interlocutor noted that, in Ar Raqqah, "every Islamist armed group has its own detention facility where civilians are routinely detained and tortured". Beatings and harsh and humiliating treatment occurred at checkpoints manned by armed groups in Damascus in August 2013, in Ar Raqqah after July and in Al-Hasakah.

59. Non-State armed groups throughout the Syrian Arab Republic inflicted severe physical or mental pain or suffering on civilian populations in areas under their control, during apprehension and/or detention. The increase in such patterns, particularly in the context of events in Ar Raqqah, constitutes an emerging widespread and systematic attack on the civilian population.

60. The rise in torture and the inhumane treatment of the civilian population in areas controlled by ISIS and affiliated groups provide reasonable grounds to believe that such groups promote the widespread and systematic attack on the civilian population.

61. The acts committed by non-State armed groups identified above in areas under their control against the civilian population constitute torture and inhuman treatment as a war crime and, in the context of Ar Raqqah, as a crime against humanity.

F. Sexual and gender-based violence

62. Sexual and gender-based violence persists in the conflict. Reporting remains a challenge for the reasons identified by the commission in previous reports.

1. Government forces and pro-government militia

63. In November 2013, in Damascus Military Intelligence Branch 215, a woman underwent an intimate body search by a male commander before being tortured and sexually assaulted. In December, she was transferred to Military Intelligence in Homs where she was tortured and orally raped.

64. In 2012, in an intelligence branch in Hama, five women were tortured daily, including by electrocution, for more than a month. During the same period, two women were raped by officers in command for 15 consecutive days. In August 2013, a woman was stripped and exposed at a checkpoint near Al-Jadeedah before being taken to the Hama branch, where she was raped. In December 2013, an 18-year-old girl was tortured and repeatedly raped.

65. Sexual torture, including the tying of genitals, has been systematically perpetrated against men and boys in custody in Damascus, Homs and Aleppo. In November 2012, a man was raped in Al Khatib security branch, Damascus. In January 2013, at the Homs Security Branch, security agents beat and electrocuted the genitals of a 17-year-old boy and raped him while others watched.

66. Rape and sexual assaults targeting women and girls occurred at checkpoints in Damascus, Latakia, Dara'a, Homs and Aleppo. In January 2013, a 17-year-old girl was gang raped at a government checkpoint in Damascus countryside. In February 2013, a 28-year-old woman was taken off a bus by government militia in Latakia and gang raped.

67. Men were tortured and raped on the grounds of their sexual orientation at government checkpoints in Damascus. In 2011, six homosexual men were beaten viciously with electric cables by security agents and threatened with rape. In October 2012, a man was stopped by security because his partner's brother was a member of the FSA. The man was taken to a rural area, where cigarettes were stubbed on his body and he was gang raped.

68. Government forces are conducting a sniper campaign in Bustan Al-Qasr (Aleppo). On one day alone in October, doctors treated five men shot in the groin. The same month, six pregnant women were shot in the abdomen.

69. Rape, sexual torture and sexual violence were perpetrated by government forces and militia against men, women and children. This conduct was committed as part of a widespread attack, where civilians were targeted for detention and systematically subjected to multiple violations. These acts constitute crimes against humanity, war crimes and violations of international human rights law.

2. Non-State armed groups

70. In 2012, a Kurdish woman from Afrin was kidnapped, held in solitary confinement and raped by the Northern Storm Brigade in Azaz (Aleppo). In June 2013, a woman was tortured and threatened with rape in Ar Raqqah city for "disrespecting" the Sharia Council. In October 2013, a 26-year-old man was detained on the grounds of his sexual orientation. He was beaten and hung by his arms from a ceiling by ISIS in Ar Raqqah. On 31 October, a school headmistress was publicly lashed by ISIS in Ar Raqqah for not wearing a hijab.

71. Rape, sexual torture and sexual violence perpetrated by non-State armed groups are in violation of common article 3 of the Geneva Conventions and constitute war crimes.

G. Violations of children's rights

1. Government forces and pro-government militia

72. Pro-government militia armed and used children from the age of 13 at checkpoints in Aleppo, Dara'a and Tartus. In October 2013, in Ataman (Dara'a), children from the age of 14 were armed and trained by popular committees.

73. Government sieges resulted in the severe malnutrition of young children in Daraya, Muadamiyah and Yarmouk (Damascus).

74. Children, particularly adolescent boys, were arrested at checkpoints controlled by government forces and pro-government militia in Aleppo, Damascus and Dara'a. Girls reported sexual violence and harassment at checkpoints.

75. Children were detained with adults and subjected to torture inside the Aleppo Political Security Branch and the Military Security Branch detention facilities in Damascus. A 15-year-old boy, who spent three months in detention until late July, was subjected to daily torture. Scars, including cigarette burns, were visible on his body. He demonstrated marked signs of post-traumatic stress.

76. In Aleppo, children were the subject of deliberate targeting by snipers. A doctor reported that, in October 2013, at least one child was injured daily by a sniper, and cited a case of an 8-year-old boy killed while carrying bread.

77. Children have been killed, injured and suffered permanent disabilities through indiscriminate shelling and aerial bombardment by government forces. Starting in July, a dozen schools were shelled, leading to the death and wounding of children in Aleppo, Ar Raqqah, Damascus, Dara'a, Dayr az Zawr, Homs and Idlib governorates.

78. Government forces and militia perpetrated acts that constitute war crimes, including torture of children in detention and the recruitment and use of children. Use of children by pro-government militia violates the commitment of the Syrian Arab Republic to the Optional Protocol to the Convention on the Rights of the Child. Denial of food and medical care during sieges is in violation of international human rights and humanitarian law obligations. Children's right to education has been denied through indiscriminate attacks on schools.

2. Non-State armed groups

79. Children were recruited and used by Ahrar al-Sham, several FSA affiliated groups, Jabhat al-Nusra and ISIS. In late 2013, children were observed in combat roles with FSA-affiliated groups in Tamoura (Aleppo), with Jabhat Al-Nusra in Al-Hasakah, and with ISIS in Ar Raqqah and Aleppo. Children were wounded during active combat.

80. Armed groups assigned child recruits from the age of 12 to 14 years to checkpoints and used children to load ammunition. In 2013, minors were seen at ISIS checkpoints in Ar Raqqah and at Saddam Hussein Battalion checkpoints in Aleppo. Children received weapons training by Jabhat Al-Nusra in Tal Rifat (Aleppo) in July 2013. ISIS used a school in Al Bab (Aleppo) as a military training camp for boys in September 2013.

81. Underage YPG fighters were seen in Qamishli (Al-Hasakah) and in Ayn Al-Arab (Ar Raqqah) in July and August 2013. In a letter dated 30 September 2013 addressed to the commission, the YPG stated its policy not to use children under 18. An order issued on 14 December from its central command to YPG commanders echoed these guidelines. Adherence to this policy continues to be monitored.

82. Children have been detained and tortured by some armed groups. A 14-year-old boy stated that he had been tortured by Ahrar Al-Sham in Ar Raqqah in July in an attempt to extract information about his uncle.

83. Children have been killed in indiscriminate shelling by armed groups. On 5 October, a 13-year-old boy and his friend were killed by a mortar attack while in their schoolyard in Nubul (Aleppo). On 31 October, a mortar attack on a school in Damascus killed a girl.

84. Non-State armed groups have perpetrated the war crime of enlisting and using children below the age of 15 to participate actively in hostilities, and have recruited and used children under the age of 18 years in hostilities contrary to the Optional Protocol to the Convention on the Rights of the Child. They also committed the war crime of torture on children. Children's right to education has been denied by the use of schools as military bases and training camps.

IV. Violations concerning the conduct of hostilities

A. Unlawful attacks

85. Indiscriminate and disproportionate attacks – predominantly shelling and aerial bombardments – caused mass civilian death and injuries. Unlawful attacks continue to be the primary reason for internal displacement and refugee flows.

1. Government forces and pro-government militia

(a) Shelling and aerial bombardment

86. Across the country, the Government shelled civilian areas with artillery, mortars and tank fire. In some areas, aerial bombardment by helicopters and jet fighters was a daily occurrence. There was a marked increase in the use of highly imprecise and lethal barrel bombs dropped into urban areas from helicopters at high altitudes. The use of barrel bombs in this manner is indiscriminate (see annex VI).

87. Government forces fiercely bombarded contested civilian-inhabited areas of strategic importance. Aleppo, Damascus, Dara'a, Idlib and Ar Raqqah governorates came under sustained attack.

88. Attacks were not directed at distinct military objectives. In areas where armed group fighters were present, government forces treated clearly distinct military objectives located in densely populated areas as a single target. Area bombardment spreads terror among the civilian population and is prohibited under international humanitarian law. Government forces did not issue warnings prior to attack.

89. Aleppo governorate was the subject of intense indiscriminate attack. Aleppo city suffered bombardments throughout the period under review, culminating in an ongoing campaign of barrel bombing, which caused hundreds of civilian deaths and injuries, including the loss of limbs. Government forces fired mortars and missiles in Azaz in July. In August, dozens of civilians, including women and children, were killed by missiles fired by government jets. On 26 August, civilians, predominantly children, were killed in an incendiary bomb attack on a school in Urem Al-Koubra. September and October saw concentrated aerial bombardments, including missiles and barrel bombs, on Minbij, Al-Safirah and Tal Hasel. The camp for displaced persons near Al-Safirah was attacked with barrel bombs in early October, causing many civilian deaths. Between November 2013 and January 2014, towns in Aleppo, including Abu Taltal and Maarat Al-Arteeq, were hit by

missiles and artillery shelling. In December, Mayer village was indiscriminately shelled from army positions in Nubul and Zahra.

90. Towns and villages in Damascus governorate came under incessant attack. Between mid-September and mid-October, Al-Ghouta suffered intense, often daily, aerial bombardment, which had a devastating impact on the densely populated area. Muadamiyah and Daraya, also under siege, were shelled and bombarded. Qaboun, Dumayr, Beit Jin and Zabadani were also unlawfully attacked. In the Qalamoun region, indiscriminate attacks by Government forces during November and December forced more than 4,000 families to flee.

91. Government forces repeatedly fired shells and missiles on the Tariq Al-Saad and Saharra neighbourhoods of Dara'a city. In July and August, indiscriminate attacks – usually shelling from nearby army positions – were documented in Nawa, Alma, Naseeb, Dael, Inkhel and Yadoudeh in Dara'a governorate.

92. Attacks on villages and towns in Idlib governorate are too numerous to detail. The region of Jabal Al-Zawiya and, in particular, the towns of Saraqib, Kafr Nabl and Maarat Al-Numan, came under intense aerial bombardment between July and October, including by barrel bombs. On 21 July, a market in Ariha was bombarded, resulting in mass civilian casualties. Ariha was heavily attacked between 24 August and 3 September. In both attacks, there were significant civilian casualties.

93. Ar Raqqah city came under aerial bombardment, including the use of barrel bombs, in July. On 29 September, a jet bombarded a school, killing 16 people, 13 of whom were children.

94. Shelling and aerial bombardments were also documented in Homs, Hama, Al-Hasakah and Dayr az Zawr governorates.

95. Government forces launched indiscriminate and disproportionate attacks in violation of international humanitarian law.

96. Government forces continued to position military objectives inside towns and villages, including Nubul and Zahra (Aleppo), thereby endangering the civilian population and violating international legal obligations.

(b) Sniper attacks

97. In Aleppo city, warring parties demarcated areas under their control, positioning snipers overlooking the front lines. Bustan Al-Qasr remained as the sole passage between government-controlled and non-State armed group-controlled areas of Aleppo city. Government snipers positioned on Aleppo City Hall, a high-rise building providing an vantage point, target, maim and kill civilians crossing Bustan Al-Qasr.

98. Doctors in hospitals in opposition-controlled Aleppo described having treated an unusually high number of sniper injuries since June 2013. Most victims were civilians coming from areas affected by shortages, crossing Bustan Al-Qasr to have access to cheaper goods. Victims were of all ages, including children, the elderly and pregnant women. One doctor stated that civilians were being used "for target practice". A surgeon operating in another hospital confirmed this practice, explaining that, on certain days, he saw a clear pattern to sniper injuries. Most victims had a single wound from a high-velocity gunshot, causing "enormous amounts of damage" and heavy bleeding. Maimed, the victims were often left to bleed in the street, as anyone who approached to help would be shot.

99. Sniper attacks targeting civilians were also documented in Yarmouk and Dara'a Al Balad (Dara'a).

2. Non-State armed groups

(a) Shelling

100. Armed groups continued to shell Nubul and Zahra (Aleppo) using artillery and home-made rockets. In mortar attacks in September and October, young children were killed and wounded. Kurdish civilian populations in Qamishli, Qiro, Ras Al-Ayn and Al-Malikiyah (Al-Hasakah) were shelled.

101. Armed groups based in Al Mlihah, Beit Saham and Ein Tarma in eastern Damascus countryside launched home-made rockets and artillery shells into government-controlled areas, notably Jaramana and Mezzeh neighbourhoods, causing civilian deaths. In Bab Tuma, on 11 November, a mortar hit a school bus, killing five children.

102. Non-State armed groups used mortars, artillery shells and home-made rockets in a manner that made no distinction between civilian and military objectives, thereby committing unlawful attacks.

103. While instances were recorded of armed fighters positioned on the outskirts of towns away from civilian populations, most fighters, including those in Aleppo and Ar Raqqah cities, were based among civilians, exposing them to attack and violating international legal obligations to avoid positioning military objectives within or near densely populated areas.

(b) Car and suicide bombings

104. Armed groups exploded car and suicide bombs in Al-Hasakah, Ar Raqqah, Homs, Aleppo and Damascus governorates during the period under review. The use of improvised explosive devices was also documented in Homs.

105. On 15 August, ISIS exploded a bomb at a train station in Ar Raqqah, near the headquarters of the Ahfad Al-Rasoul Brigades. On 4 November, a suicide bombing targeted a Hizbullah office in Al-Thabiytiya (Homs). These attacks, while directed at military objectives, resulted in a loss of civilian life and injury to civilians, which was disproportionate in relation to the military advantage anticipated.

106. On 19 September, armed groups remotely detonated landmines placed along a bypass road between Jabourin and Homs city. Three civilian vehicles were hit and nine civilians killed. On 26 November, armed groups exploded a bomb in Al-Sumariyah main station (Damascus), killing dozens of civilians. These three attacks appeared designed to target civilians, a war crime. Such attacks, the primary purpose of which is to spread terror among civilians, are prohibited under international humanitarian law.

B. Specifically protected persons and objects

1. Hospitals and health-care personnel

(a) Government forces and pro-government militia

107. Government forces continue to destroy hospitals and medical units and to target medical personnel (see also annex VII). During the period under review, attacks were documented in Aleppo, Damascus, Dara'a and Homs governorates. Sick and wounded civilians and *hors de combat* fighters were also prevented from having access to medical treatment.

108. In Damascus, hospitals in eastern Ghouta were shelled. During a ground invasion in July, forces destroyed a field hospital in Al-Zemaniyah. After the attack on Al-Ghouta on 21 August, shells landed near Al-Fatih hospital, which was treating victims of the chemical

attack, forcing the hospital to discharge its patients. In early November, the army attacked Al-Rajaa hospital in Irbeen, where armed group fighters were being treated. On 3 November, the airforce bombarded a field hospital in Beit Jin.

109. Hospitals in Aleppo city and Al Bab came under sustained shelling and aerial bombardments. In July 2013, Jaban hospital in Aleppo city was destroyed. On 11 September, a jet fired a missile at Al Bab field hospital, killing 15 people, including a doctor, four paramedics and eight patients, and injuring many others. The hospital had moved its location three times owing to shelling attacks.

110. In August, a field hospital in Naseeb (Dara'a) was shelled. In October 2013, government forces fired rockets on Al-Qaryatayn hospital (Homs), resulting in 30 casualties and more than 100 wounded.

111. Medical personnel were targeted and killed while performing their duties. Snipers regularly shot at ambulances in Aleppo city in September and October. In August, a sniper shot and killed a nurse in Al-Hilal hospital, Aleppo. Medical staff suspected of treating or providing medical supplies to the opposition were detained and tortured, as in the case of Dr. Abbas Khan, who died in government detention on 17 December.

112. Government forces blocked medical supplies and equipment from besieged areas. People seeking medical treatment have been arrested or turned back at checkpoints.

113. In attacks on hospitals, medical units and health-care personnel, the Government violated binding international humanitarian law to care for the sick and wounded and committed the war crime of attacking protected objects. As hospitals have been destroyed, and medical personnel killed, detained or fled, the health-care infrastructure has been severely weakened, with disastrous consequences for the civilian population.

(b) Non-State armed groups

114. During the attack on Sadad (Homs) from 21 to 28 October, armed groups looted the hospital, rendering it dysfunctional. On 11 November, a car bomb was remotely detonated outside a Kurdish Red Crescent clinic in Ayn Al-Arab (Ar Raqqah). In an attack on Deir Atiyah (Damascus), on 19 November, a suicide bomber exploded in the hospital lobby, while other fighters executed nine medical personnel. On 16 August, an armed group targeted a Kurdish Red Crescent ambulance in Ras Al-Ayn (Al-Hasakah). After attempting to destroy it with an improvised explosive device, fighters fired on the ambulance, killing its driver and a nurse. In its attacks on hospitals, medical units and health-care personnel, armed groups have violated international humanitarian law and committed the war crime of attacking protected objects.

115. During an attack on Tal Hasel (Aleppo) on 28 and 29 July, armed groups positioned snipers around its medical centre. Placing military objectives in hospitals constitutes a failure to take all feasible precautions to protect civilians from the effects of attack. Such acts also contravene the fundamental obligation to respect and protect medical units.

(c) Religious personnel and cultural property

(i) Government forces and pro-government militia

116. Government forces placed military objectives in and around objects of great cultural significance. Satellite imagery showed military posts being constructed in the pre-Roman city of Palmyra (Homs). Such posts incorporate ancient structures or were built on their remains. The Government, in building and positioning military objectives in and around Palmyra, has breached its obligations to respect and protect cultural property under the Convention for the Protection of Cultural Property in the Event of Armed Conflict.

(ii) Non-State armed groups

117. There was a dramatic increase in attacks on religious personnel and buildings by non-State armed groups. Such attacks directly threaten freedom of religion.

118. On 28 July, Father Dall'Oglio was abducted in Ar Raqqah city by ISIS;his fate remains unknown. On 4 August, an Alawite Imam was executed during an attack on villages in eastern Latakia. On 2 December, nuns were moved from the Martar Monastery and Church in Maaloula to Yabroud by an armed group. While this move appeared initially intended to remove them from the area of active fighting, the nuns remain in Yabroud with conditions imposed for their release. The Syriac Orthodox and Greek Orthodox Archbishops, Yohanna Ibrahim and Paul Yazigi, remain detained following their abduction in Aleppo in April.

119. On 4 September, armed groups clashed with government forces in Maaloula (Damascus). Churches were looted and destroyed. The historic churches of Mar Sarkia and Barhos were used as bases for military operations. In October, ISIS damaged the Church of Saidat Al-Bishara in Ar Raqqah and established their headquarters there. During the attack from 21 to 28 October on Sadad (Homs), armed groups desecrated Christian churches. On 16 and 17 November, during fighting in Qara (Damascus), the Mar Michael church was damaged. As government forces retook Qara, armed groups positioned weaponry near Christian churches.

120. Armed groups wilfully damaged and destroyed property of great significance to the cultural heritage of the Syrian Arab Republic, in contravention of international humanitarian law.

121. During an attack on Tal Hasel and Tal Aran (Aleppo) on 28 and 29 July, ISIS-affiliated armed groups positioned snipers in mosque minarets, exposing the building to lawful attack.

(d) Journalists

122. In 2013, 28 journalists were killed in the Syrian Arab Republic, making it the world's deadliest country for media workers.

(i) Non-State armed groups

123. Journalists in Aleppo and Ar Raqqah governorates received direct threats to their safety from ISIS.

124. On 4 December, Yasser Al-Jumaili, a veteran freelance cameraman from Iraq was executed in Idlib. In his last conversation with Al Jazeera, he stated he was being held by ISIS.

125. On 31 December 2012, a foreign reporter was held by Jabhat Al-Nusra and other armed groups in Aleppo. He was ill-treated in various clandestine detention centres until he managed to escape in late July 2013. On 8 April, two foreign journalists were detained in Al Qusayr (Homs) by a group affiliated to the Al-Farouk Brigade and repeatedly tortured until their release in September. On 24 July, ISIS fighters attacked a media centre in Saraqib (Idlib), assaulting its staff and kidnapping a foreign journalist, who reportedly escaped in October and left the country.

126. In continued attacks on journalists, armed groups, notably ISIS, violated international humanitarian law. Such attacks also constitute a direct threat to the right of freedom of expression.

C. Use of illegal weapons

1. Chemical weapons

127. In its report, the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic confirmed that chemical weapons, specifically sarin, had been used in multiple incidents during the conflict.[4] The commission independently collected information, confirming this finding in the case of Al-Ghouta (21 August), Khan Al-Assal (19 March) and Saraqib (29 April).

128. In Al-Ghouta, significant quantities of sarin were used in a well-planned indiscriminate attack targeting civilian-inhabited areas, causing mass casualties. The evidence available concerning the nature, quality and quantity of the agents used on 21 August indicated that the perpetrators likely had access to the chemical weapons stockpile of the Syrian military, as well as the expertise and equipment necessary to manipulate safely large amount of chemical agents. Concerning the incident in Khan Al-Assal on 19 March, the chemical agents used in that attack bore the same unique hallmarks as those used in Al-Ghouta.

129. Other allegations of chemical weapons use investigated displayed markedly different circumstances and took place on a significantly smaller scale. In no incident was the commission's evidentiary threshold met with regard to the perpetrator.

2. Incendiary weapons

130. On 26 August, an army fighter jet dropped two incendiary bombs on the town of Urem Al-Koubra (Aleppo), one of which landed on a school. The bomb created "a ball of fire" that killed 10 civilians and severely injured dozens of others, mostly children and teenagers. While it remains unclear what flammable material was used, the bomb caused napalm-like effects. Victims, some of whom did not survive, were disfigured, with second- and third-degree burns on up to 80 per cent of their bodies, and suffered extreme pain.

131. By using incendiary bombs in the Urem Al-Koubra school incident, the Government violated rules of international humanitarian law prohibiting the use of weapons that cause superfluous injury, unnecessary suffering or that are indiscriminate by nature.

D. Sieges and economic, social and cultural rights

1. Government forces and pro-government militia

132. The Government employs siege warfare, instrumentalizing basic human needs for water, food, shelter and medical care, as part of its military strategy. Sieges have been imposed on towns across the Syrian Arab Republic. Besieged areas have been relentlessly shelled and bombarded. Government forces have restricted the distribution of humanitarian aid, including surgical supplies, on the grounds that they can be used to treat injured combatants. Such tactics are in direct breach of binding international humanitarian law obligations to ensure that wounded and sick persons are collected and cared for, and to ensure the rapid and unimpeded passage of humanitarian relief. The denial of humanitarian, including food aid, has been protracted in many areas, leading to malnutrition and starvation. The use of starvation of the civilian population as a method of warfare is prohibited. Such acts also violate core obligations under the right to adequate food and the right to the highest attainable standard of health.

[4] A/67/997-S/2013/553.

133. As at January 2014, 160,000 people were besieged in the towns of Dumah, Arbin, Zamalka, Kafr Batna, Harasta, Jisreen, Saqba and Al-Mliha in eastern Ghouta (Damascus countryside). The denial of food as a military strategy in this agricultural area began during July and August 2013, when crops and farms were shelled and burned. As the siege was tightened, government forces blocked access roads and systematically confiscated food, fuel and medicine at checkpoints. A woman, who fled in mid-September and had not eaten meat or fresh vegetables for more than a year, reported how soldiers at checkpoints would harass anyone caught carrying food and destroy it on suspicion that they were "aligned with the opposition". In October, soldiers at the Al-Mliha "Tamico" checkpoint detained a woman because she was carrying bread hidden under her clothes. Also in October, a woman attempting to bring in food for her family was harassed by security officers at a checkpoint near Douma and told, "you people will be looking for food like dogs". Snipers targeted persons who attempted to leave or enter eastern Ghouta without passing through checkpoints.

134. By early October, residents relied on bulgur wheat, rice and tree leaves as substitutes for vegetables to survive. To date, water is available sporadically and in insufficient quantities. The Government has repeatedly refused to approve the delivery of surgical supplies in humanitarian shipments. This deliberate obstruction of medical supplies has led to harrowing conditions for the sick and wounded. One injured man described how doctors used material from flour sacks for bandages for patients. Government checkpoints prevented those in need from leaving eastern Ghouta to seek medical treatment. Both those needing emergency treatment and with chronic medical conditions were denied medical access, resulting in deaths.

(a) Muadamiyah

135. Prior to the military truce in December 2013, 12,000 people were trapped inside Muadamiyah. The area was besieged from the east and the north by the 4th Division stationed near Mezzeh Airport, and from the south and west by the Presidential Guard near Jdaydet Artuz. Once routes from Dara'a to Muadamiyah were blocked on 20 April, food supplies were cut off, leading to gradual malnutrition and starvation. Residents described surviving off olives, tree leaves, wild grass and herbs once bulgur wheat and rice supplied had run out. The water supply was cut off for weeks at a time. A resident of Muadamiyah described the humiliation and agony of starvation, explaining that, when her three-year-old son was killed in late May, "my child died hungry".

136. Children suffering from illnesses and shrapnel injuries had no access to food or medication, resulting in their premature death. Many health-care personnel, including most midwives, have fled. Owing to lack of food, nursing mothers were unable to feed their newborns, leading to malnutrition and at least one death. Government forces had sealed the area and positioned snipers targeting those trying to flee.

137. On 13 October, the Syrian Arab Red Crescent and the International Committee of the Red Cross supervised the evacuation of 3,500 civilians from Muadamiyah. During the evacuation, women and children were separated from the men, many of whom were screened at Mezzeh Airport. Several were arrested and detained. Many fighting-age men remained inside, fearing being arrested, killed or "disappeared" by Government forces. During subsequent evacuations, on 15 and 29 October, 5,000 more people left Muadamiyah. Despite the truce on 25 December, Muadamiyah remains besieged and no humanitarian access has been granted.

(b) Daraya

138. In Daraya, surrounded to the east by Mezzeh Airport and by Sahnaya to the south-west, 8,000 people remain under siege. Government personnel at checkpoints arrested

persons on the basis of their origin as indicated on their identity cards. Residents describe the "humanitarian disaster" in Daraya, with no food, fuel or medicine allowed inside. Malnourishment has spread, drastically affecting children.

(c) Yarmouk camp

139. 20,000 people remain besieged in Yarmouk Palestinian Camp, with no food and medical supplies. People have nothing to eat, having exhausted all their supplies and resorted to eating plant leaves, selling their belongings and looting abandoned houses. In January 2014, reports of deaths from starvation were received. With hospitals and medical clinics damaged by shelling, there is a complete lack of health care. No medical supply shipments have been allowed into Yarmouk to date. On 15 January, an UNRWA convoy was authorized to enter Yarmouk only from the northern gate, where there were ongoing hostilities. The UNRWA convoy could not proceed because of insecurity. Since then, humanitarian convoys have been able to access the area but have been prevented from delivering food supplies by Government security forces inside the camp.

(d) Homs (Old City)

140. A siege was imposed on the Old City of Homs in February 2012. Checkpoints and barricades, and a 1 km concrete wall erected next to the Political Security Branch contour the Old City, blocking all access. Humanitarian aid was last allowed to enter in October 2012. The 4,000 people remaining inside were faced with insufficient water and electricity, and a lack of food and medical supplies. Periodic shelling caused injuries that remain untreated and result in high mortality rates. Government snipers, positioned at all access points, limited movement and indiscriminately targeted persons.

2. Non-State armed groups

(a) Aleppo

(i) Nubul and Zahra

141. Non-State armed groups have encircled Nubul and Zahra, besieging 45,000 people. The siege is imposed by groups affiliated to the Islamic Front, Jaish Al Mujahedeen, Jabhat Al-Nusra and the Syrian Revolutionary Front by checkpoints erected around the area and by cutting off their electrical and water supply lines. These groups have denied access to humanitarian convoys, in violation of their obligations under international humanitarian law. This has led to dire humanitarian conditions, with residents digging wells for water and suffering illnesses due to the lack of sanitation. After a helicopter with humanitarian aid and school supplies was attacked in June 2013, government forces ceased the delivery of basic necessities. The sole remaining health-care clinic in Nubul and Zahra has few supplies, using primitive means to treat persons with chronic illnesses and those wounded in the indiscriminate shelling of the towns.

142 Armed groups in the region have periodically extended the siege to include Afrin, as it provides a supply line to Nubul and Zahra. As the conflict between the YPG and armed groups intensified in Al-Hasakah on 17 July, the siege on Afrin was re-imposed. As at January 2014, ISIS was preventing humanitarian access to Afrin.

(ii) Hama

143. Al-Ghab Valley, an agricultural area, contains a cluster of Alawite villages surrounded by a predominantly Sunni population. Government military positions deployed within the Alawite villages shell the surrounding area. Non-State armed groups have retaliated by deliberately targeting farmers working the fields. Repeated killings and

abductions have made it impossible for the residents of Mirdash and Shatha to cultivate their land, depriving them of their main source of income and sustenance. Carrying out attacks against farmers cultivating their land with the specific purpose of preventing them access to agricultural produce is prohibited under international humanitarian law.

E. Arbitrary and forcible displacement

1. Government forces and pro-government militia

144. By launching indiscriminate and disproportionate aerial bombardment and shelling, the Government has caused large-scale arbitrary displacement. In doing so, it has failed in its obligations under international human rights law to protect civilians from such displacement. It has failed to comply with its duties under international humanitarian law to provide displaced civilians with shelter, hygiene, health, safety and nutrition and to ensure that members of the same family are not separated.

2. Non-State armed groups

145. Two instances of forcible displacement by armed groups, as defined under international humanitarian law, were documented.

146. On 20 July, ISIS, Jabhat Al-Nusra, the Al-Sakhana Brigades, Saw'aiq Al-Rahman, the Ibn Taimia Brigades and Ahrar Al-Sham clashed with YPG forces in Tal Abyad (Ar Raqqah).

147. On 21 July, when YPG forces withdrew, armed groups broadcast orders from mosques in Al-Jisr, Harat Al-Leil and Hay Al Shallala neighbourhoods, instructing Kurdish civilians to leave the town or face immediate attack. Thousands of Kurdish civilians subsequently fled. Many were abducted at checkpoints encircling the area. The property of those who fled was looted and burned.

148. In Aleppo, on 28 July, clashes erupted in the Kurdish enclaves of Tal Aran and Tal Hasel between Jabhat Al-Akrad and YPG forces on the one side, and affiliated groups of Jabhat Al-Nusra, ISIS and FSA on the other. The latter groups seized control of Tal Aran, setting up checkpoints and sniper positions. Using mosque loudspeakers, armed group fighters ordered the Kurdish population to leave, under threat of violence. Thousands fled the following day.

149. On 29 July, the fighting spread to Tal Hasel, with the YPG engaging in hostilities with the above-mentioned armed groups. After short, intensive clashes, the armed groups encircled the town and conducted raids on Kurdish houses, abducting fighting-age men. Using mosque loudspeakers, the groups called Kurds "unbelievers", declaring that "swords are between us and those who decide to stay in Tal Hasel". Specific threats were directed against Kurdish women and children, saying that those who remained would be considered "halal for the mujahideen".

150. The pattern of conduct perpetrated by non-State armed groups in Ar Raqqah and Aleppo in July indicates a coordinated and planned campaign to forcibly displace Kurdish civilians. The methods employed, the threat of violence and subsequent abductions demonstrate the deliberate displacement of a population on the basis of its ethnic identity. Such conduct amounts to the war crime of forcible displacement.

V. Conclusions and recommendations

A. Conclusions

151. **The Syrian Arab Republic has acted in breach of the International Covenant on Economic, Social and Cultural Right, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict. Government forces have disregarded the basic human rights of people under their control and in their custody. As a state, the Syrian Arab Republic is responsible for all acts committed by its officially sanctioned agents, in breach of its international treaty obligations.**

152. **In the course of the conflict, the warring parties in the Syrian Arab Republic have failed to comply with their obligations under international humanitarian law. They have violated the fundamental prohibitions of common article 3 of the Geneva Conventions, which are binding on all parties to the conflict. Such violations amount to war crimes, incurring individual criminal responsibility. Individual fighters and their commanders may be held accountable for their acts under international criminal law and by States exercising universal jurisdiction.**

153. **External actors that support the belligerents financially and logistically have obligations under international law. States should not authorize the transfer of arms if there is a risk that they will be used in the commission of crimes against humanity or war crimes. In the Syrian Arab Republic, as has been repeatedly documented, this risk is real. States parties to the International Convention for the Suppression of the Financing of Terrorism must take measures to prevent persons and organizations that collect or donate funds knowing that they will be used to finance attacks on civilians or persons taking no active part in hostilities. Private donors, as well as foreign advisers providing operational assistance, are responsible for acts and conduct that occur under their control. States that exert influence over the parties in the Syrian Arab Republic have an obligation to ensure their compliance with the rules of international humanitarian law.**

154. **On 2 October 2013, the Security Council President issued a statement in which he condemned the widespread violations of human rights and international humanitarian law by the Syrian authorities, as well as any human rights abuses and violations of international humanitarian law by armed groups.[5] Building on this acknowledgement, the Security Council must seek a referral to justice to hold the perpetrators of these violations and abuses accountable.**

155. **The Security Council, in adopting resolution 2118 (2013), demonstrated its capacity for unified and effective action in the Syrian Arab Republic. The five permanent members have failed to take action on other grave violations that equally threaten international peace and security. Such inaction has provided the space for the proliferation of actors in the Syrian Arab Republic, each pursuing its own agenda and contributing to the radicalization and escalation of violence. The Security Council bears this responsibility.**

[5] S/PRST/2013/15.

B. Recommendations

156. The commission of inquiry reiterates the recommendations that it made in its previous reports. It further makes the recommendations below.

157. The commission of inquiry recommends that all parties:

(a) Ensure the protection of civilians, guaranteeing their safety and security effectively;

(b) Respect civilians' right of access to basic necessities, food and medical care, and allow unhindered passage of such goods;

(c) Distinguish military from civilian objectives, refraining from all indiscriminate and disproportionate attacks;

(d) Not submit anyone, civilian or combatant, to torture or other cruel, inhuman or degrading treatment, including sexual violence;

(e) Adhere to the ban on the recruitment and use of children in hostilities;

(f) Treat all persons in detention humanely and provide an impartial, neutral and independent organization with regular access to persons in detention;

(g) Protect aid workers and facilitate the rapid and unimpeded passage of relief supplies;

(h) Respect and protect schools and hospitals, and maintain their civilian character;

(i) Ensure safe passage and protection for medical personnel, hospitals and ambulances;

(j) Commit to ensuring the preservation of the material evidence of violations and international crimes to protect the right to truth of the Syrian people.

158. The commission recommends that the Government of the Syrian Arab Republic:

(a) Cease using illegal weaponry, such as incendiary weapons and other weapons such as barrel bombs, that are unguided or poorly guided, on civilian areas;

(b) Allow access for an independent humanitarian assessment of needs in eastern Ghouta, Yarmouk, Muadhamiyah and Old Homs City;

(c) Allow the commission access to the country.

159. The commission recommends that non-State armed groups:

(a) Allow access for an independent humanitarian assessment of needs in Nubul and Zahra;

(b) Detach themselves from extreme elements that fail to comply with international law.

160. The commission recommends that countries with influence over the warring parties, in particular the permanent members of the Security Council work in concert to put pressure on the parties to end the violence and to initiate all-inclusive negotiations for a sustainable political transition process in the country.

161. It further recommends that the international community:

(a) Curb the proliferation and supply of weapons, and address the sources thereof;

(b) Sustain funding for humanitarian operations, open up access to victims in all areas and facilitate expansion of humanitarian relief operations.

162. The commission recommends that the Human Rights Council support the recommendations made, including by transmitting the present report to the Secretary-General for the attention of the Security Council in order that appropriate action may be taken, and through a formal reporting process to the General Assembly and to the Security Council.

163. The commission recommends that the Security Council:

(a) Support its recommendations;

(b) Take appropriate action by referring the situation to justice, possibly to the International Criminal Court, bearing in mind that, in the context of the Syrian Arab Republic, only the Security Council is competent to refer the situation;

(c) Enhance the enforcement and implementation of international human rights and humanitarian law through the range of powers and measures at its disposal as part of the imperative of accountability, pertaining to all actors.

Annex I

[English only]

Mission Permanente
de La
République Arabe Syrienne
Genève

الجمهورية العربية السورية
البعثة الدائمة لدى مكتب الأمم المتحدة
جنيف

N°

Geneva, 7 September 2013

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to The Office of the United Nations High Commissioner for Human Rights (OHCHR), in its capacity as secretariat of the International Commission of Inquiry on the Syrian Arab Republic (CoI), has the honor to inform the CoI that the Government of the Syrian Arab Republic extends an invitation to Mrs Carla Del Ponte, in her personal capacity, to visit Syria.

In this context, the Syrian Arab Republic reiterates its readiness to extend all the necessary assistance and cooperation needed to ensure the success of Mrs. Del Ponte's visit to Syria.

The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to renew to The Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.

Office of the United Nations High Commissioner for Human Rights
Palais Wilson

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HAUT-COMMISSARIAT AUX DROITS DE L'HOMME - OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Tel: 41-22-9179989, Fax: 41-22-9179007

Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26 and 22/24

The Independent Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

The Commission has the honour to refer to the Note Verbale from the Permanent Mission dated 7 September 2013, inviting Commissioner Carla Del Ponte to visit the Syrian Arab Republic in her personal capacity.

In this connection, the Commission wishes to inform the Permanent Mission that such a visit would need to be conducted in an official capacity by the Commissioners as a collegial body and that the delegation must include the Chair of the Commission and preferably the full membership of the Commission.

The Commission looks forward to discussing the terms of reference of the visit with the Permanent Mission and avails itself of this opportunity to extend to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland, assurances of its highest consideration.

10 September 2013

HUMAN RIGHTS
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Permanent Mission of the Syrian Arab Republic
to the United Nations Office in Geneva
and specialized institutions in Switzerland

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Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to
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26 September 2013

Excellency,

On behalf of the Independent International Commission of Inquiry on the Syrian Arab Republic, I wish to express my appreciation for your letter of 20 September 2013, transmitting the transcript of a recent intercepted telephone conversation. The Commission looks forward to receiving the CD containing the audio version of the conversation, as mentioned in your letter.

Allow me to take this opportunity to welcome the decision of the Government to become a State Party to the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

As you know, in the context of implementing its mandate of investigating violations of international human rights and humanitarian law, the Commission of Inquiry will continue to investigate the allegations on the use of chemical weapons in Syria. In this regard, the Commission invites the Government to provide it with any other relevant information it may have on the use of chemical weapons in its territory.

In addition, the Commission of Inquiry's investigation will benefit immeasurably from it being given full and unfettered access to the country. It is essential for the voice of the Commission of Inquiry, as an independent and impartial body, be heard on this issue of such significant importance.

I wish to reiterate the readiness of the Commission of Inquiry to engage in a discussion with the Government on the modalities of such a visit.

Please accept, Excellency, the assurances of my highest consideration.

Paulo Sergio Pinheiro

Chair, Independent Commission of Inquiry
on the Syrian Arab Republic

His Excellency
Mr. Faysal Khabbaz Hamoui
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Geneva Switzerland

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The Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland.

The Commission will present its last report as part of its current mandate to the Human Rights Council at its 25th session in March 2014. In this context, the Commission wishes to reiterate its request to visit the Syrian Arab Republic in order to gather relevant information for its investigation.

The Commission wishes to underline the important role that the Government could play, especially at this particular juncture, in providing crucial information relevant to the mandate of the Commission, including on the alleged use of chemical weapons.

In this context, Commissioners Carla del Ponte and Vitit Muntarbhorn, assisted by staff from the Secretariat, would be available to conduct an initial mission to the Syrian Arab Republic in the month of February.

The Commission avails itself of this opportunity to extend to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland the assurances of its highest considerations.

24 January 2014

Permanent Mission of the Syrian Arab Republic
To the United Nations Office and other
International organisations in Geneva
Geneva, Switzerland

Annex II

[English only]

Political and humanitarian context

Political context

1. Since March 2011, the conflict devolved from a domestic protest movement into a non-international armed conflict. As protests spread from Dara'a governorate to other parts of the country, Government forces resorted to excessive use of force to quell the unrest. In parallel, the Government passed legal and political reforms that failed to diffuse the crisis. As early as July 2011, small groups of army defectors joined by armed civilians engaged with Government forces in restive areas.. The Government framed its military response to the unrest in the context of fighting terrorism, while the opposition insisted on its demands for democracy and dignity.

2. In response to the deepening crisis, various opposition currents formed the National Coalition for Syrian Revolutionary and Opposition Forces in November 2012. The Coalition represents a wide array of civilian and political forces including local councils, independent nationalist figures and the Syrian National Council (SNC). The latter forms the largest bloc in the Coalition accounting for 22 of its 66 seats. The Coalition also encompasses the Supreme Military Council (SMC) which is intended to unify armed groups, curb the influence of radical groups and bridge the gap with armed actors. On 25 September 2013, thirteen of the most influential armed groups renounced their affiliation with the SMC and formed the Islamic Front (IF), weakening the credibility of the Coalition. The SNC's latest withdrawal from the Coalition, further undermined the latter's position on the eve of the Geneva 2 talks. Despite broadening its representation base to include the Kurdish National Council (KNC) and members of the internal opposition, some armed and political forces consider that the Coalition lacks effective representation on the ground and it is influenced by external factors. However, the Coalition remains the main political entity, representing the opposition, in the conduct of foreign affairs.

3. Since August 2013, the Islamic State of Iraq and Sham (ISIS) reinforced its control of captured areas in northern Syria, particularly in Al-Raqqah, Aleppo and Idlib countryside as foreign fighters continue to join its ranks. ISIS, an Al-Qaeda affiliate, runs areas under its control through local administrations governed by the strict application of Sharia Law. Those areas are meant to form the foundation of a future Islamic state extending beyond Syria's borders. Over past months, restrictions on civil liberties tightened while human rights violations significantly increased in these areas under the group's control. With the surge of the influence of radical groups, including ISIS, the foreign policy of regional and international actors, is increasingly geared towards addressing the rising threat of extremism.

4. In the Syrian Kurdish regions, this dynamic led to an open conflict between the Salafi Jihadi and Kurdish groups. A PYD-led coalition established an interim Kurdish administration with municipal councils in three provinces, Jazirah, Ayn Al-Arab and Afrin in January 2014. Alongside the KNC's inclusion in the Coalition, both have engaged in policy discussions within the framework of the Supreme Kurdish Council under the auspices of the Kurdish Regional Government in Iraq.

5. The intensity of the conflict reached the threshold of a non-international armed conflict by February 2012 with significant local, regional and international implications. Lebanon's domestic dynamics have been seriously affected by the war in Syria. Political polarization has markedly increased against the backdrop of local parties' conflicting positions on the Syrian conflict. Hezbollah's subsequent direct military involvement on the side of the Government and the mobilization of Sunni fighters to join the ranks of armed opposition groups in Syria aggravated existing sectarian tensions.

6. By the end of 2011, regional cleavages were evident through the positions of various Governments and regional actors either in support of the Syrian Government or the opposition. This regional dynamic increasingly defined the military and political conduct of warring parties and complicated the prospect of a peaceful settlement. On the international stage, differences among the five permanent members of the Security Council prevented an effective approach towards resolving the conflict.

7. The chemical weapons attacks in Damascus governorate on 21 August 2013 and their aftermath have altered the course of international diplomacy vis-à-vis the conflict. As consensus for military action against the Government faltered, a framework agreement was reached between the United States and Russia for the destruction of the Syrian chemical stockpile on 13 September 2013 through Security Council Resolution 2118. Cooperation between the two Governments to broker the agreement signaled a closer approach on the Syrian conflict, particularly on the need for a political settlement. This was a significant departure from their previous positions. International consensus on dealing with the Syrian chemical threat and the need for political settlement led some countries in the region to moderate their approach towards the crisis and accelerated the diplomatic momentum towards the Geneva 2 talks.

8. Despite internal dissension, the Coalition voted in favour of participation in the Geneva II talks which started on 22 January 2014. The basis for the talks. mediated by Joint Special Representative Lakhdar Brahimi, is the June 2012 Communiqué which calls for an immediate ceasefire; the formation of a transitional government with executive powers including representatives from the opposition and the government, maintainance of the territorial integrity of Syria and allowing humanitarian access among other aspects. The nature of the transitional Government and the lack of effective means to enforce a ceasefire on the ground remain serious obstacles. Despite serious impediments, the talks represent the most serious diplomatic initiative so far to resolve the conflict. Emphasis on the need for a political settlement is consistent with the Commission's longstanding position, specifically that there is no military solution to the conflict and that it is only through an inclusive Syrian dialogue that a peaceful transition can be attained.

Humanitarian context

9. Nearly nine million people, more than a third of the population, have fled their homes since March 2011. Of these, over 2.4 million are refugees in neighbouring countries, stretching hosting communities to their limits. One-fifth of Lebanon's population are Syrian refugees. In Jordan, Zaatari camp has become one of the country's largest "cities". Thousands of Syrians are also trying to cross from Egypt or Libya to Italy. Hundreds have perished at sea.

10. An estimated 6.5 million Syrians are internally displaced. Of concern is the situation of approximately 250,000 persons who remain trapped. A third round of vaccinations in response to a polio outbreak was carried out in January 2014, reaching more than two million children. The provision of assistance is, however, increasingly manipulated by all sides, in breach of the principle of non-discrimination. Humanitarian actors continue to work in dangerous conditions across the country.

11. Economic sanctions imposed by some Member States adversely affect the socioeconomic situation. The Syrian Pound has been devalued by over 50 per cent since the outbreak of the crisis. Prices for basic items have risen sharply. Many families are living in abandoned buildings, schools or in makeshift shelters, without sufficient food, water or medicine. Health and sanitation services have deteriorated, leading to the spread of communicable diseases.

12. The second International Pledging Conference for Syria was held in Kuwait City on 15 January 2014. Donors are encouraged to fulfil the $2.4 billion (of the $6.5 billion appeal) pledges to help UN agencies and partners provide aid to Syrians affected by the conflict.

Annex III

[English only]

Specific mandate on massacres

1. The Commission continued to carry out its special mandate to investigate all massacres.[a] The Commission has not been granted access to conduct investigations on the territory of the Syrian Arab Republic. This has severely hampered its efforts to establish the circumstances of a number of alleged massacres to its evidentiary standard. In many parts of Syria, communication lines, including phone and internet, have been restricted or cut. In the incidents described, the intentional mass killing and identity of the perpetrator were confirmed to the commission's evidentiary standards.

Government forces and pro-Government militia

Qarfah Village, Dara'a, 6 June 2013

2. On 6 June 2013, Government forces and armed men in plain clothes executed five civilians, including a four-year-old girl during an incursion into a private house in Qarfah village. Government forces raided the house after arresting and killing a male member of the family at a military position in Izraa, on the suspicion that he was a member of a non-State armed group.

Al-Zarra, Tal-Kalkh area, Homs, 15 July 2013

3. On 15 July 2013, seven members of a local Reconciliation Committee in the village of Al-Zarra were shot dead by local pro-Government Popular Committee members from a neighbouring Alawite village. The victims were unarmed civilians. Among them were two retired Syrian army officers and a former mayor of a village in the area.

4. The Reconciliation Committee members were killed as they were accompanying unarmed rebels on their way to the State police station in Talkalakh, in order to facilitate their surrender. Their convoy was ambushed near an army checkpoint and attacked by Popular Committee members from a neighbouring village. Neither the Reconciliation Committee members nor those being escorted were carrying arms.

Karnaz, Hama, 26 September 2013

5. On 26 September, eight members of a family were killed in their home by Government forces and pro-Government militia. The massacre occurred as Government forces raided the house in order to confiscate agricultural goods, on the suspicion that they were being used to feed armed opposition fighters. When the mother in the family refused to hand over the foodstuffs, Government forces killed the woman and seven family members.

Non-State armed groups

Jamlah Village (Dara'a), 3 March 2013

[a] See A/HRC/22/59, para 42.

6. On 5 March 2013, the Yarmouk Martyrs Brigade executed nine members of the Syrian armed forces who had been captured and were hors de combat. The troops were detained during an attack on a military position in Jamlah village. The captured soldiers were subsequently executed by gunfire.

Khan Al-Assal, Aleppo, 22-23 July 2013

7. On 22 and 23 July NSAGs captured and executed more than 50 government soldiers and a number of civilians during an attack on the town of Khan al-Assal, outside Aleppo. Video material collected online indicates that the detainees were executed by gunfire after their capture by members of the Ansar al-Khilafa Brigade.

Al Hiffa region, Latakia, 4-5 August 2013

8. During the first week of August 2013, more than 100 civilians were killed during a military operation conducted by non-State armed groups. The killings occurred in the context of a military attack that started on 4 August 2013, in which a number of non-State armed groups participated. The operation targeted a cluster of Alawite villages in Al Hiffa, and was referred to by some groups as Operation Liberation of the Coast, or Campaign of the Descendants of Aisha the Mother of Believers by other groups. The main participating non-State armed groups in the operation were Jabhat Al-Nusra, Suqor Al-'Iz, Ahrar Al-Sham, Liwa' Al-Mouhajireen and Harakat Sham Al-Islam, as well as Soqoor Al Sahel Brigade and Western Central Front of SMC. Small local groups from local Sunni villages also participated.

9. Non-State armed groups first attacked a military position on a hilltop around 500 meters from the villages. The position was equipped with tank, rocket launcher and other heavy weaponry, and had been used to fire artillery on the opposition held town of Salma and other areas. After capturing this and other military positions in the area, the fighters moved to attack the nearby villages, including Inbatah, Al-Hamboushiyah and Blouta, in some places engaging Syrian forces in combat, but also firing indiscriminately at civilians and civilian houses. Civilians were killed during this assault, while others were killed while escaping.

10. The victims included men, women and children. During the attack, armed non-State groups also abducted an estimated 200 women and children. Their whereabouts remain unknown. The discovery of mass graves was reported after Government forces regained control of the villages around 16 August 2013. Victims were killed by gunshot or by sharp objects. Several bodies were decapitated, burned or otherwise mutilated.

11. Statements from participating commanders as well as material available online strongly suggest that this specific operation received a financial contribution of 400,000 Euros from an identified individual. A second person of unknown nationality contributed 150,000 Euros to the operation.

Al-Madmouma, Idlib, 26 August 2013

12. On 26 August 2013, several members of a non-State armed group affiliated to Ahrar Al-Sham, attacked the village of Al-Madmouma, near Ma'aret Al-Nu'man. During the night, armed men entered a house and killed 16 civilians, including six children, three women and two elderly men. The killings occurred in the context of disputes between the group and a tribe present in the area.

Maksar Al-Husan, Homs, 10 September 2013

13. On 10 September 2013, 18 civilians were killed in Maksar Al-Husan in the context of a military campaign against a group of three Alawite villages nearby. Non-State armed groups affiliated with Jabhat Al-Nusra and Ahrar Al-Sham Movement conducted the assault. Victims included several elderly women and men, as well as children.

Deir Attiya, Damascus, 20 November 2013

14. Nine medical staff at Basil State Hospital in Qalamoun were taken hostage and killed by members of Islamic State of Iraq and Al-Sham (ISIS) and Al-Khadra Battalion. The killings and the attack on the hospital occurred in the context of an assault against several locations and positions in Deir Attiya city. Government sources reported to have retrieved the bodies of the victims after Government forces regained control of the hospital on 13 November 2013.

Sadad, Homs countryside, 21-28 October 2013

15. On 21 October 2013, multiple non-state armed groups, including Al-Islam Shield battalions affiliated to Maghawir Forces and Jabhat Al-Nusra launched an attack on Government forces based in the Christian town of Sadad. A number of civilians were killed during the ensuing clashes. The perpetrators of the killings have not been established in each incident.

16. Two elderly civilians were shot and killed by members of a non-State armed group. Members of the police force were also killed. Four elderly women were reportedly found shot dead in an area controlled by the armed groups. All killings took place in close quarters.

Unknown perpetrator

Sadad, Homs countryside, October 2013

17. On 21 October 2013, multiple non-state armed groups launched an attack on Government forces based in the Christian town of Sadad. On 28 October, Syrian Government forces regained full control of Sadad. An entire family, a woman, her two young children, two elderly parents and her mother in law, were later found dead in a well. One of the victims was handcuffed with his arms behind his back and had been gagged with a cloth. All six civilians had been shot in the head. The area in which the victims were found dead had been under the control of the Government. Non-state armed groups had been positioned in a school near the family's home.

Annex IV

[English only]

Without a trace: enforced disappearances in Syria

I. Introduction

1. Women, standing outside detention centres and holding photographs of their disappeared male relatives, have become an enduring image of suffering in Syria. It is an image which speaks to the essence of the violation of enforced disappearance: the taking of a loved one, the desperate search for information through official and unofficial channels, and the torment of those left behind. Those who wait are often the only visible trace of the violation.

2. An enforced disappearance is an arrest, detention or abduction, followed by a refusal to acknowledge the deprivation of liberty or by the concealment of the fate or whereabouts of the disappeared. Cases of enforced disappearances were first documented by the Commission of Inquiry on the Syrian Arab Republic during the pro-democracy protests in March 2011. As the unrest devolved into an armed conflict, the investigation covered practices related to enforced disappearances perpetrated by all parties to the conflict. Investigations uncovered a consistent country-wide pattern in which people – mainly adult males – have been seized by the Syrian security and armed forces, as well as by pro-Government militias, during mass arrests, house searches, at checkpoints and in hospitals. In some instances, the disappearances appeared to have a punitive element, targeting family members of defectors, activists, fighters as well as those believed to be providing medical care to the opposition.

3. Over the last year, specific anti-Government armed groups have begun to abduct certain categories of civilians and hold them hostage. Persons perceived to be supporting the Government, human rights defenders, journalists, activists, humanitarian workers, and religious leaders have been seized by various armed groups and held under the threat of death until their release was negotiated for ransom or a prisoner exchange. Hostage-taking is a war crime, characterized by coercion and the infliction of a threat until the demands of the captor are met.

4. In contrast, enforced disappearance –the subject of this paper– is a denial of the very existence of its victims. placing them outside the protection of the law. Authorities across Syria have refused to provide information about the fate or whereabouts of disappeared. In some instances, there appeared to be a policy of not providing such information to families. Many of those interviewed were too frightened of reprisals to make official inquiries. In some cases, relatives who approached the security services were themselves arrested. The Government has perpetuated a system of arrests and incommunicado detention that is conducive to enforced disappearances. There is also evidence that some anti-Government armed groups have adopted practices that could be considered tantamount to enforced disappearances. This paper charts the major trends and patterns of this phenomenon in Syria from March 2011 to November 2013 and draws from numerous first-hand interviews conducted by the Commission over this period. The Commission regrets that it was not able to access the country. This limited its ability to investigate inside Syria, especially cases of anti-Government armed group abuses.

5. The practice of forcibly disappearing persons is prohibited under customary international humanitarian law, binding all parties to the conflict in Syria. The definition of an enforced disappearance is set out in the United Nations Declaration for the Protection of All Persons from Enforced Disappearance and the International Convention for the Protection of All Persons from Enforced Disappearance, which crystalises custom. Under international human rights law, an act of enforced disappearance is committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, thus resulting in a human rights violation. In the context of international humanitarian law, this requirement must be interpreted to include agents of non-State actors, in order for this prohibition to retain significance in situations of non-international armed conflict such as Syria.

6. Under international human rights law, the prohibition of enforced disappearances is a non-derogable State responsibility. No legitimate aim or exceptional circumstances may be invoked to justify the practice of enforced disappearance. When perpetrated as part of a widespread or systematic attack against a civilian population, with the intent of removing a person from the protection of the law for a prolonged period of time and pursuant to or in furtherance of a State or organizational policy, enforced disappearances can amount to a crime against humanity incurring individual criminal responsibility. Enforced disappearances are continuing human rights violations and crimes, persisting for many years after the initial deprivation of liberty.

7. The Criminal Code of the Syrian Arab Republic does not criminalise enforced disappearances as an autonomous crime. Any act of enforced disappearance violates a number of fundamental rights enshrined in the 2012 Syrian Constitution, the Arab Charter on Human Rights and the International Covenant on Civil and Political Rights, to which Syria is party. These rights include the right to liberty and security of persons, the right not to be arbitrarily detained, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to a fair trial and the right of all persons deprived of their liberty to be treated with humanity and with the inherent dignity of the human person. Enforced disappearances also violate and imperil the right to life.

8. Enforced disappearance, by definition, requires an absence of information about the fate or whereabouts of a loved one. Investigating this violation presents unique challenges as physical evidence is elusive or entirely absent. It can be years before the fate of the disappeared person comes to light, if ever. The truth regarding the fate of the many disappeared in Syria and the extent of the phenomenon of enforced disappearance will likely only fully be grasped in the aftermath of the conflict.

9. The victims of this violation number far beyond the individuals disappeared. The families and loved ones of those disappeared endure a mental anguish that amounts to a further violation of their human rights. It is a continuous violation that remains unabated until the fate of the disappeared is uncovered. To forcibly disappear a person is to negate their being and deny their relatives' right to know the truth.

II. The deprivation of liberty: a targeted campaign

10. Enforced disappearances have been carried out since the beginning of the uprising in Syria. Most disappearances were perpetrated by intelligence and security officers, as well as by the Syrian army, sometimes in conjunction with pro-government militias acting on behalf of the Government. In all the cases documented, the perpetrators operated with impunity.

11. The violation of enforced disappearance is often a gateway to the commission of other offences, most particularly torture. Survivors of enforced disappearances consistently

described being subjected to torture during their detention. In all the instances documented, the victims were denied their fundamental right to due process. They were deprived of contact with the outside world, including close relatives. No legal assistance was provided. They were placed outside the law, at the mercy of their captors.

A. Silencing the opposition

12. Consistent accounts indicate that in the early days of Syria's unrest, enforced disappearances were employed by the Government to silence the opposition and spread fear amongst relatives and friends of demonstrators, activists and bloggers.

13. Military commanders undertook a coordinated policy together with intelligence agencies to target civilian protesters through mass arrests and enforced disappearances in 2011 and early 2012. A former officer of an army brigade operating in Al-Waer in Homs stated that during the army operations in Bab Amr in January 2012, soldiers attacked protesters in the streets while intelligence officers systematically arrested all those who were not killed. Following the attacks against demonstrators, the same brigade carried out house raids, jointly with intelligence officers, indiscriminately arresting more individuals. Their families were never informed of their whereabouts.

14. One survivor, arrested by the Air Force Intelligence in March 2011 after taking part in a demonstration, was transported to the Mezzeh Airport Prison, where he was interrogated and tortured. Subsequently, he was transferred to the premises of the Air Force Intelligence, where a high-ranking officer openly threatened to kill him should he participate in further demonstrations. Throughout his ordeal and despite r peated attempts to locate him, his family was never notified of his arrest, detention and whereabouts.

15. Another interviewee who, together with his cousin, participated in protests in Jisr El Shoughour, Idlib in June 2011, reported that security forces raided his cousin's house shortly after the demonstration, and abducted him from his bed. His cousin was taken to an unknown location and his whereabouts were never disclosed. The interviewee said "on more than one night, my daughter woke up after she heard her mother crying. Every night, we thought that the security services were coming to get us".

16. Consistent testimonies reveal a pattern; the vast majority of those disappeared in 2011 and early 2012 were young men. A man, who defected from the political security branch of Aleppo in March 2012, reported that officers received orders to arrest every young male and adolescent between 16 and 40 years old that participated in demonstrations.

17. The available accounts indicate a policy targeting civilians executed through various organs of the Syrian Government, aimed at stifling the protest movement. Enforced disappearances were employed to instil fear, oppress and assert control over persons taking part in demonstrations against the Government and were undertaken during coordinated attacks on the civilian population.

B. Enforced disappearance as reprisals and punishment

18. In certain cases, enforced disappearances had a strong punitive element, targeting those perceived to be either supportive of the opposition or insufficiently loyal to the Government.

19. Several interviewees indicated that soldiers who refused to execute orders or were suspected of harbouring opposition sympathies were subjected to reprisals, including disappearance. A former army conscript, who operated in the town of Tseel in Dara'a in

November 2011, revealed that four of his fellow soldiers were arrested by their superiors after they refused to open fire on a group of peaceful demonstrators. The interviewee never saw them again, inferring that insubordination was punished by disappearance.

20. Relatives of those individuals wanted by the Syrian security apparatus have also been victims of enforced disappearances. A young man, who defected from the Republican Guard in June 2011, explained how his superiors came to his village in Dara'a, three weeks after his defection. They arrested his younger cousin, in an apparent reprisal. His cousin was taken to an unknown location and his fate never uncovered. Another protester reported that after he participated in several peaceful demonstrations in Dael, Dara'a, in March 2011, agents of the Political Security raided his house and forcibly disappeared one of his brothers. He stated plainly, "my brother was probably detained because of me". He believed that his brother's abduction was aimed at instilling fear in the relatives of protesters to deter them from participating in demonstrations.

21. Doctors were disappeared as punishment for their perceived support of anti-Government armed groups. An employee of Zarzor hospital in an anti-Government armed group-held part of Aleppo testified about a series of disappearances targeting medical personnel carried out by the Aleppo Air Force Intelligence between June and December 2012. These disappearances appeared to be aimed at punishing doctors who provided medical services in opposition areas, and deterring others who would consider doing the same.

C. A tactic of war

22. As the unrest devolved into a full-blown conflict, those affiliated or perceived to be affiliated with anti-Government armed groups became targets for disappearance. The initial arrests and abductions most often took place during Government searches of restive areas or at the checkpoints encircling those localities.

23. Bab Amr was the scene of mass arrests and disappearances during ground attacks by Government forces between February and May 2013. In March 2013, clashes between the Free Syrian Army and the national army broke out in the Homs city neighbourhood of Bab Amr. Aided by pro-Government militias, the army raided Bab Amr and abducted several residents whose location and fate remain unknown. In May 2013, campaigns of arrest took place in Hama, many of those taken remain disappeared.

24. Men were also abducted at checkpoints manned by Government-affiliated militias and popular committees. One eyewitness described how his neighbours were arrested at a checkpoint controlled by what he believed to be *shabbiha*, in Al Ghantoo, Homs, on 4 April 2013. Men wearing civilian clothing stopped their car and arrested a man. He was subsequently taken to an unknown location. His family does not know where to look for him. On 8 June 2013, a family of internally displaced persons was trying to make their way into Jordan when military forces positioned in the Al-Waer neighbourhood of Homs stopped their car at a checkpoint. The husband was arrested and taken to an unknown location, while his wife and children were ordered to return to their hometown, despite on-going violence. He has not been seen or heard from since.

25. As noted in "Assault on medical care in Syria" (A/HRC/24/CRP.2), wounded civilians perceived to be affiliated with the opposition are being disappeared from hospitals. This alarming phenomenon has significantly increased over the past months. An interviewee from Nabak, Dara'a governorate, explained that due to a lack of medical facilities in FSA-controlled areas, injured civilians were forced to go to governmental hospitals, where many disappeared between April and May 2013.

Without a trace

26. Defectors who participated in mass arrests as well as survivors revealed that in the majority of cases, the officers in charge of the initial arrest took the abductees to the premises of their respective security or military branches. Despite the organised nature of the arrests and detentions, authorities often failed to record the personal details of detainees, including those who died in detention, making it difficult to trace them and inform their families. The family of a person arrested in Idlib in September 2011 attempted to determine his whereabouts. The interviewee described how "Wherever they searched, the authorities said that his name was not recorded".

27. A defector told of a mass arrest in Jisr Al Shoughour, Idlib in June 2011, where those detained were taken to a school that was used as an ad hoc detention facility. There, detainees were subjected to painful and humiliating physical treatment. Their names were never registered rendering any attempts to determine their whereabouts futile. In late August 2011, officers of the Military Security in Latakia arrested four family members of an interviewee and took them to an unknown location. Three weeks later, a young man who was arrested together with the interviewee's cousins informed him that his relatives had been transferred to the military hospital of Latakia. Upon inquiry, it was discovered that their names never appeared in the hospital's registry.

Anti-Government armed groups

28. In 2013, specific anti-Government armed groups adopted a practice of hostage-taking, targeting civilians perceived to be supporting the Government, human rights defenders, journalists and religious leaders. The emergence of a pattern of abductions and arbitrary deprivation of liberty has characterized the ever-growing presence of certain armed groups, particularly in northern Syria.

29. The fear of such kidnappings and hostage-takings has gripped the civilian populations living under the control of certain armed groups. The perpetrators seize, detain and threaten to kill their victims in order to coerce a third party – whether the families of the kidnapped, their communities or the Syrian authorities – to fulfill their conditions for the release of the hostage. Such acts, motivated by material gain and extortion, intimidate and coerce the families of the kidnapped and their communities.

30. Hostages are taken with the intent to instrumentalise their liberty and security for ransom or prisoner exchange. Such offenses leave families in a state of uncertainty regarding the whereabouts of their relatives, but do not amount to enforced disappearances as the fate of the victims is not denied or concealed. In the current context in Syria, such conduct may amount to war crimes.

31. Information collected in recent months indicates that opposition armed groups such as the Islamic State of Iraq and Al Sham (ISIS) have taken control of territory in northern Syria and begun to adopt practices, such as incommunicado detention, that may lead to disappearances. In one incident, armed men believed to be members of ISIS were reported to have abducted two civilians on grounds of non-adherence to their interpretation of Islamic dress code. The group later denied holding them in captivity. The whereabouts of the detainees remain unknown.

III. Not knowing: the enduring agony of Syrian families

32. The victims of enforced disappearance are not only those who have been disappeared. Enforced disappearances wreak havoc on families, tearing the social fabric of entire communities. Perpetrators intentionally create a paralysing uncertainty that leaves families hanging between hope and despair. Not knowing whether their loved ones are dead and, if so, what has happened to their bodies, they can neither mourn nor adjust to their loss.

A. A climate of fear

33. Enforced disappearances are characterised by situations where family members fear retaliation if they question the authority of the disappeared person's captors. Where the State maintains a climate in which family members are too intimidated to inquire about detentions by security services, this is tantamount to a refusal or a denial of the person's fate.

34. In Syria, silence and fear shroud enforced disappearances. In several cases, individuals who reported a disappearance were themselves detained. The mother of two young men who disappeared in Idlib in June 2011 reported that her eldest son was arrested when he inquired at the Idlib Military Security Branch about the whereabouts of his brothers. He never returned. One interviewee further reported that while detained in Homs prison in 2012, she met a 60 year-old woman who had been arrested after she went to the Homs Security Branch to inquire about the fate of her disappeared son.

35. The result of such a climate of fear is that only a fraction of the number of disappearances is officially reported because relatives of those disappeared fear being targeted and punished by the authorities.

36. In the overwhelming majority of cases, when asked whether they inquired about the disappearance of their relatives, interviewees reported that they could not approach the authorities because of a well-founded fear of reprisal. Families revealed that attempts to locate their relatives would expose them to a fate similar to their loved ones and may subject the disappeared to greater danger. A young man whose brother disappeared in December 2012 in Homs explained, "Families constantly pray for their relatives, but will not risk sending another family member to detention." Another interviewee, whose son was arrested during a house search by Military Security officers in late October 2012 in Damascus, stated that he did not go to the Military Security branch himself, as he feared that by requesting information, he would also be arrested.

37. Reporting on the arrest of his cousin by pro-Government militias and Air Force Intelligence officers in December 2012 in Nabul, Aleppo, an interviewee explained, "If you go to the branch to ask about detainees, they will interrogate you. If you are a man, you will be tortured and detained too. If you are a woman, they will harm you and might detain you instead."

B. A policy of concealment

38. Syrian families are in desperate need of official acknowledgment of what has happened to their relatives. An indication of this desperation are the 30 requests seeking official information from the Government, filed by Syrian families to the United Nations Working Group on Enforced or Involuntary Disappearances, over the course of 2012 (A/HRC/22/45).

39. Those who dared to approach the authorities to inquire about a loved one faced a systematic refusal to disclose the fate or whereabouts of the disappeared or to even acknowledge the deprivation of liberty. One survivor, who was arrested by pro-Government militias and Air Force Military Security officers in Latakia in July 2012, recalled the shock of his family upon his release, "No one informed my family about my detention; no one would dare ask the Air Force Military Security about their relatives. If you asked, no one would tell you." A relative of a man arrested in Naime, Dara'a, in 2011 stated, "His mother searched everywhere, but received no information from anyone".

40. The brother of a former Syrian Air Defence Force officer reported that after he decided to defect, in December 2011, his brother called his family expressing serious fears of being arrested or punished. This phone call was the last anyone heard of him. The interviewee explained that his family repeatedly approached all Syrian security services, including the Air Force Intelligence, the police, the army, and the state security services. He further described how they had to use intermediaries to approach the Air Force Intelligence, whose officers were instructed to fire upon anyone who came within 300 metres of their building. Despite the measures taken by the interviewee and his family, each security apparatus denied any knowledge of the arrest, detention or whereabouts of his brother.

41. A doctor who survived a disappearance in 2011 explained that after months of searching, his family managed to locate his place of detention. However, when they directly inquired to the authorities administering the detention facility, the authorities denied that their relative was held there.

42. In a revealing account, a man who defected from the Hama Air Force Intelligence at the end of 2012, described orders he received not to provide information about the whereabouts of detainees or to speak to their relatives. He added that cameras were placed at the gates of the Air Force Intelligence premises, to monitor the officers and deter them from speaking to families inquiring about their relatives.

43. In some instances, the families only discover the fate of the disappeared when their bodies are recovered or in a minority of cases, are returned to them. However, several accounts indicate that Government forces take deliberate steps to conceal the cause and circumstances of the death, violating the families' right to truth. Interviewees who had lost families members consistently described how their bodies were returned by Government authorities without explanation. In April 2011, a child was arrested in Dara'a, and taken to an Air Force Intelligence facility in Damascus. His family searched for their son in hospitals to no avail, fearing that he had been detained or killed. His body, bearing extensive signs of torture, was returned to his family in June 2011. No information was provided about the grounds for his detention or the circumstances of his death. The father of a young activist, arrested by security forces in late July 2012 in Latakia and whose whereabouts were unknown, received a phone call eleven days after his son's disappearance. He was asked to go to Damascus to recover the body of his son, who, he was told, had been killed in a car accident. The body bore traces of severe torture.

C. The anguish

44. The heart of the anguish suffered by families lies in the authorities' systematic refusal to acknowledge the deprivation of liberty or to disclose any information about the relatives. Across Syria, parents, siblings, husbands, wives, children and friends wait anxiously to know the fate or whereabouts of their loved ones. Not knowing whether the disappeared is still alive, and if so in what state of health and under which conditions, causes a level of grief impossible to convey. The secrecy surrounding the fate of the disappeared has the effect of intimidating and punishing families by leaving them in a state

of uncertainty and mental distress. This mental anguish may rise to the level of torture or inhuman treatment and makes entire families the victims of enforced disappearances.

45. The husband of a woman abducted by Military Intelligence officers in Hama in December 2011 and whose whereabouts were never disclosed, explained how traumatized his two-year old daughter has been since, "She cries when she sees a military uniform".

46. Consistent accounts have revealed that the principal means to obtain information is when a fellow detainee is released. A man held for over a year in the Military Police Branch of Hama described, in a harrowing account, how immediately after his release in May 2013, he was assailed by dozens of women thrusting photographs of their husbands, sons and fathers towards him. Another interviewee, released after a court hearing in Damascus in August 2013, was confronted with hundreds of people waiting outside the court, begging for news of their loved ones, in the hope that he had seen them in detention.

47. The desperation of families has left them vulnerable to extortion. Some pay bribes to those who, often falsely, claim they can provide information. One interviewee reported that his cousin, who had participated in peaceful demonstrations in Latakia, was arrested mid-2011 by Government security forces and taken to an unknown location. His family was too frightened to approach the forces responsible for his arrest. Instead they paid a bribe to a person who claimed to be connected to the security forces. This middleman informed the family that the disappeared was detained in the Air Force Intelligence detention centre. Shortly afterwards, the contact revealed, for more money, that he had been killed.

48. Another interviewee reported that his cousin was arrested by security officers on his way to Damascus in September 2013 and taken to an unknown location. His family learned of his arrest from a taxi driver who witnessed it. The disappeared's father repeatedly inquired about the fate and whereabouts of his son, to no avail. Only after he bribed one of his contacts was he able to learn that security officers belonging to the 4th Army Division had arrested his son for having published pro-opposition messages on a social media webpage. He was, however, unable to obtain any information about his son's location or state of health. The interviewee insisted that less privileged families are abandoned to their grief, saying that it was only because his uncle "had money and contacts" that he was able to obtain some information.

49. Besides the grave emotional and psychosocial impact, families also often have to cope with the economic consequences of disappearances. The absence of the main breadwinner creates financial difficulties that add to the extreme vulnerability of families. Women and children face specific hardships. The uncertainty created by the disappearance of their husbands or fathers has social and legal consequences, including on the status of marriage, right to inheritance and social welfare, and the management of the property of the disappeared person. Children of disappeared experience acute suffering with the loss of a parent. One young woman interviewed about the disappearance of her husband stated "I do not know how to live and care for my young children without their father".

50. Syrian authorities created a climate of intimidation such that families did not dare inquire about their loved ones or file any formal complaints, and systematically denied the disappearance or refused to disclose any information. They also violated their duty to duly investigate enforced disappearances. The Government has further violated families' non-derogable right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person.

IV. Conclusions and Recommendations

51. The accounts presented in this paper only hint at the scope of the crisis of enforced disappearance in Syria and the state of fear in which ordinary citizens live.

52. Enforced disappearances are perpetrated as part of a widespread campaign of terror against the civilian population. Government forces have engaged in enforced disappearance in violation of their international legal obligations. Given the geographic spread of the documented cases and the consistent manner in which abductions and arrests are carried out, there are reasonable grounds to believe that enforced disappearances were committed by Government forces, as part of a widespread and systematic attack against the civilian population, and therefore amount to a crime against humanity.

53. The direct victims of enforced disappearances were systematically denied their fundamental human rights, more particularly their rights not to be arbitrarily detained, not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, as well as their rights to liberty and security, to be recognized as a person before the law and to be treated with humanity and with the inherent dignity of the human person.

54. By failing to acknowledge the deprivation of liberty, the Government has violated the family's right to the truth. The ensuing mental anguish suffered may breach family members' rights not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Where family members have been arrested when they sought to make inquiries from the authorities, their rights to liberty and security have also been violated.

55. The absence of an autonomous definition of enforced disappearance in the Syrian Criminal Code and the lack of an official register or bureau that manages records of detainees and responds to inquiries made by relatives, contributes to a system that is conducive to enforced disappearances. Moreover, the persistent failure to notify the families of the fate or whereabouts of their loved ones coupled with the systematic practice of withholding information, reprisals, bribery or intimidation in response to the search for information by relatives, and the absence of genuine investigations into allegations of disappearances, constitute the many factors that create an environment of impunity in Syria. Such a climate not only contributes to the perpetuation of the phenomenon of enforced disappearance, but is also a major obstacle to the elucidation of its true extent.

56. International human rights law imposes on Syria the obligation to take all appropriate measures to investigate enforced disappearances and to bring those responsible to justice.

57. Disappearances are losses that cannot be mourned. They bear consequences on the individuals, their families and the community as a whole and will remain among Syria's deepest wounds. The damage inflicted upon the victims, including their relatives, is permanent and irreparable. Reconciliation cannot happen until each individual case of enforced disappearance is clarified and the perpetrators brought to justice. No statute of limitations applies to this violation. Investigating each case of enforced disappearance will remain the responsibility of the Syrian state regardless of the Government in power.

The Commission recommends that the Government of Syria:

i. Inform families of the whereabouts of all persons in their custody;
ii. Ensure that all those detained are registered, and afforded legal review of the grounds of their detention;
iii. When a disappeared person is found dead, return the remains to the family and inform them of the circumstances of the death;

iv. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognise the competence of the Committee under Articles 31 and 32 of the Convention;

v. Ensure that all cases of enforced disappearance as well as acts tantamount to enforced disappearances are duly investigated, that those responsible are prosecuted, and, where appropriate, punished;

vi. Ensure that military commanders and civilian superiors enforce the prohibition of enforced disappearances within their ranks and among their subordinates;

vii. Ensure that those involved in the search for victims of enforced disappearance, notably the relatives, have full and unimpeded access to justice and are protected against ill-treatment, intimidation or reprisal. To that effect, effective victim and witness protection measures, offering guarantees of safety for those who wish to lodge a complaint or testify, should be established;

viii. Survivors and families of disappeared should also be granted reparations that include rehabilitation, satisfaction, compensation and, in particular, psychological and social support for the relatives;

ix. To the extent possible, special social and financial support should be provided to dependent women and children.

The Commission recommends that anti-Government armed groups:

i. Ensure that military commanders enforce the prohibition of enforced disappearances;

ii. Take all feasible measures to account for persons reported disappeared as a result of the armed conflict;

iii. Provide the family members of disappeared with any information concerning their fate and whereabouts;

iv. Register and hold all detainees in a recognized place of detention;

v. Promptly inform the detainees of the reasons for their detention;

vi. Ensure that any person deprived of liberty has contact with the exterior, including legal assistance.

The Commission recommends that all parties to the conflict:

i. Maintain an updated register of all persons deprived of liberty;

ii. Set up a process to centralize information on persons deprived of liberty, to transmit such information to their next of kin directly or through a neutral intermediary, and to respond to inquiries about the whereabouts of disappeared persons;

iii. Ensure that any person deprived of liberty is held in a recognized place of detention and has the opportunity to challenge his or her detention before an independent and impartial body.

Annex V

[English only]

Government detention centres

1. The majority of detainees interviewed by the Commission stated that they had been tortured or ill-treated during their interrogation. Methods of torture documented by the Commission were consistent across the country. They included mock executions; electric shocks applied to sensitive parts of the body, including genitals; cigarettes burns; and beating with electric cables, whips, metal and wooden sticks and rifle butts. There were multiple reports of detainees being beaten about the head and on the soles of the feet. The Commission also received reports of detainees being placed into prolonged stress positions (shabeh) and the use of vehicle tires to hold hands and feet in uncomfortable positions (dulab) while beatings were administered. In many of the interviews, scars and wounds, consistent with their accounts, were still visible.[b] Detainees were denied medical care, left to die of chronic illnesses and untreated wounds and injuries. Children were often detained in the same detention facilities as adults and subject to the same levels of torture. As prisons have become overcrowded, the detention conditions have become deplorable. Sanitary facilities are limited and inadequate, spreading illnesses among detainees. Detainees are not accorded adequate food, leading to reports of starvation and malnourishment.

2. The list presented below identifies the Government detention facilities in which cases of torture have been documented. Others cases of tortures have also been documented in other locations controlled by Government forces, such as ad hoc detention places or checkpoints, which were not included in this list.

Governorate	City	Ministry	Service	Location
Aleppo	Aleppo	Ministry for Internal Affairs	Political Security Directorate	Political Security, Aleppo Branch
		Ministry of Defence	Military Intelligence Directorate	Military Security, "Palestine" Branch 235
			Air Force Intelligence	Air Force Intelligence, Aleppo Branch
Damascus	Damascus	Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Damascus Branch - Bab Tuma
			Military Intelligence	Military Security, Raids Branch 215

[b] Para. 77, A/HRC/20/CRP.1

			Directorate	
			Military Intelligence Directorate	Military Security, Branch 227
			Military Intelligence Directorate	Military Security, Damascus Branch – Al Fehar
		Ministry for Internal Affairs	General Security Directorate	State Security, Investigation Branch 285
			Syrian Police	Criminal Division, Damascus Branch
	Qaboun	Ministry of Defence	Syrian Army	Military Police Headquarters
	Sednaya	Ministry of Defence	Syrian Army	Military Prison
	Mezzeh	Ministry of Defence	Air Force Intelligence	Mezzeh Airport Air Force Intelligence Investigation Center
			Syrian Army	Republican Guard Headquarters
			Syrian Army	Military Hospital
	Kafr Sousa	Ministry of Defence	Military Intelligence Directorate	Military Security, Branch 227
		Ministry for Internal Affairs	General Security Directorate	State Security, Kafar Sousa Branch
Dara'a	Dara'a	Ministry of Defence	Military Intelligence Directorate	Military Security, Dara'a Branch 265
		Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Dara'a Branch
	Dara'a	Ministry for Internal Affairs	Political Security Directorate	Political Security, Dara'a Branch
			General Security	State Security, Dara'a

			Directorate	Branch
			Syrian Police	Criminal Division, Dara'a Branch
	Izra'a	Ministry of Defence	Military Intelligence Directorate	Military Security, Izra'a Branch
			Syrian Army	38th Brigade
	Gharaz	Ministry for Internal Affairs	Prison Division	Gharaz Central prison
Hama	Hama	Ministry for Internal Affairs	General Security Directorate	State Security, Hama Branch
Homs	Homs	Ministry for Internal Affairs	Prison Division	Homs Central Prison
		Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Homs Branch – Bab Tuma
			Military Intelligence Directorate	Military Security, Homs Branch
			Syrian Army	Homs Military Prison
Idlib	Idlib	Ministry for Internal Affairs	Prison Division	Idlib Central Prison
		Ministry of Defence	Military Intelligence Directorate	Military Security, Idlib Branch
	Jisr Al Shughour	Ministry of Defence	Military Intelligence Directorate	Military Security, Jisr Al Shughour Branch
		Ministry for Internal Affairs	Political Security Directorate	Political Security, Jisr Al Shughour Branch
Latakia	Latakia	Ministry of Defence	Military Intelligence Directorate	Military Security, Latakia Branch

		Ministry for Internal Affairs	Political Security Directorate	Political Security, Latakia Branch
Reef Damascus	Adra	Ministry for Internal Affairs	Prison Division	Adra Central prison
	Duma	Ministry for Internal Affairs	General Security Directorate	State Security, Duma Branch
	Harasta	Ministry of Defence	Air Force Intelligence	Air Force Intelligence, Harasta Branch
		Ministry for Internal Affairs	Prison Division	Harasta Central Prison
Tartus	Banyas	Ministry of Defence	Military Intelligence Directorate	Military Security, Banyas Branch
		Ministry for Internal Affairs	Political Security Directorate	Political Security, Banyas Branch
	Tartus	Ministry of Defence	Military Intelligence Directorate	Military Security, Tartus Branch
		Ministry for Internal Affairs	Political Security Directorate	Political Security, Tartus Branch
			General Security Directorate	State Security, Tartus Branch

Annex VI

[English only]

Use of barrel bombs

1. Barrel bombs, also called explosive barrels, are makeshift explosive devices increasingly employed by the Syrian Air Force against opposition strongholds in Syria.

2. The use of barrel-bombs by Government forces was first documented in August 2012 in Homs city and Al-Qusayr in Homs governorate. In September 2012, army helicopters dropped barrel bombs on opposition-controlled neighbourhoods of Aleppo city. Since then, they have increasingly formed part of the arsenal of Government forces, with devastating consequences for civilians and civilian objects.

3. Cheaper than conventional munitions and deliverable by transport helicopters, they are made from simple containers packed with explosives, scrap metal, and in many cases additional incendiary material. Locally made in different shapes, sizes and composition, they lack exact technical specifications available with conventional projectiles, in terms of accuracy and lethality. The enhanced anti-aircraft capabilities of non-State armed groups have forced Government helicopters to fly at higher altitudes, further reducing their accuracy.

4. The use of barrel bombs, in this manner, is indiscriminate. In areas where armed group fighters were present, Government forces treated clearly separate and distinct military objectives located in densely populated areas with high concentrations of civilians, as a single military objective. The use of barrel bombs in this context amounts to 'area bombardment', prohibited under international humanitarian law. Such bombardments spread of terror among the civilian population. Some barrel bombs are constructed as rudimentary incendiary weapons, causing superfluous injury and unnecessary suffering.

5. Since 15 July 2013, barrel-bombs have been dropped on civilian-inhabited areas in Idlib, Hama, Al-Raqqa, Aleppo, Dara'a and Damascus governorates. Aleppo city and Daraya in Damascus countryside suffered intense and highly lethal attacks with barrel-bombs between November 2013 and January 2014.

6. Civilians are killed in the initial blast, in the shrapnel that results and from the collapse of buildings in and around the impact site. Video footage of barrel bomb explosions and their aftermath show the loss of limbs and deep cuts as a result of shrapnel injuries. The impact of the Government's campaign of barrel-bombing of civilian-inhabited areas extends beyond mass civilian casualties.

7. The terror that the Government's barrel-bombing campaigns generate should not be underestimated. Barrel-bombs, particularly when dropped from high altitudes, cannot be properly targeted. Nor is it likely that anyone at the impact site would survive the initial blast. The Government does not provide early warning of attacks and there is little chance of being able to move from the area once a barrel bomb is released from a helicopter overhead. Victims of barrel bombs emphasized the extreme fear and mental suffering they felt as they came under attack. Survivors and witnesses consistently described that as a result of the barrel bombing campaign, much of the civilian population lived in a state of terror.

8. The impact of barrel bombs causes the collapse of buildings around its explosion, leaving neighbourhoods in ruins. Where such buildings are residences, this further contributes to the mass displacement of civilians inside Syria and over its borders.

Idlib governorate

9. On 14 July, a helicopter released three barrel bombs on Al-Bara market and residential areas in Al-Bara. The first barrel hit a truck carrying fuel, causing a massive blaze killing the driver and 5 nearby civilians. The bodies were burnt almost beyond recognition. Others sustained serious injuries, including a loss of limbs. The other two barrels hit residential buildings, destroying them but causing no casualties.

10. In the last two weeks of July, Saraqib came under intense shelling and aerial bombardment by Government forces. This attack included the heavy use of barrel bombs on 18, 19, 20, 27, 28 and 31 July. In the course of this sustained assault, scores of civilians were killed and many more injured. As buildings collapsed under the bombardments, families were buried in the rubble. In the 31 July attack, four civilians, including women and children, were killed when a barrel bomb exploded as it struck their house.

11. Throughout August, the Jabal Al-Zawiya region in southern Idlib countryside was bombarded by barrel-bombs. In two separate instances in August 2013, army helicopters dropped barrel bombs into villages populated by significant numbers of civilians. In the first attack, taking place in the second week of August, two children and a woman were seriously injured. One of the children lost a limb to shrapnel. In the second attack, which took place days later, the bomb hit a residential building. The building was flattened and its occupants, a family of 6 children and their parents, were killed.

12. On 3 August, shortly before the breaking of the Ramadan fast, a helicopter dropped five barrels bombs on civilian houses in Balyoun village. The impact killed a 40-year-old woman and injured three others, including a three-year-old boy. Three buildings were flattened. Two days later, on 5 August, several barrel bombs were dropped on the market in Balyoun, killing 20 people outright and injuring dozens. An unknown number of additional civilians were killed when the building collapsed on them due to the force of the blast. A large number of houses were destroyed, further fuelling the displacement of residents to other areas.

13. On 18 August, two barrel bombs were released over Bdama, a town to the south-west of Jisr Al-Shughour near the Turkish border. The first hit a residential neighbourhood, killing four civilians including two boys, aged 13 and 7 years. An unspecified number of people were injured and there was significant property damage. The second hit civilian homes in a nearby neighbourhood, killing at least 5 and severely injuring 20 people. Further casualties resulted from the collapse of houses near the impact site.

14. On 25 September, barrel bombs were dropped on Maarat Hurmah from a helicopter hovering high overheard. The village lies 13 km south of Ma'rat Al-Numan. Six people were killed, including three women and two children.

15. On 8 October, a Government helicopter dropped a barrel bomb on Bizabur, a village just south of Ariha. In the same month, Government forces used barrel bombs on Al-Hobait in southern Idlib. In one attack, the bomb landed on a family home, killing a woman, her two teenage daughters and two sons.

16. On 11 October, the Government launched a barrel bomb attack on Kansafra, a town with approximately 30,000 inhabitants, situated 20km west of Maarat Al-Numan. The explosion, the shrapnel generated and the collapse of approximately five building caused mass civilian casualties.

Hama governorate

17. Government helicopters, flying at high altitudes, dropped barrel bombs on towns and villages inhabited by civilians in Hama governorate. On 9 August, the Government targeted Al-Hawwash with barrel-bombs, causing significant civilian death and injuries. On 14 October, on Eid Al-Adha, Government helicopters launched six aerial strikes, dropping barrel bombs on each occasion. Two people were killed, including one child while 20 were injured. The next day, helicopters targeted Al-Latamneh with three barrel bombs. One hit a house, killing three children from one family.

Al-Raqqah governorate

18. Government helicopters dropped barrels bombs on Al-Raqqa city in July and August 2013. In all instances documented, there were significant civilians casualties, a high proportion of which were children.

19. On 30 July, shortly before the breaking of the Ramadan fast, a helicopter flew over the Al-Raqqa city twice, dropping two barrel bombs in each sortie. The residential areas of Ta'meer and Badow were hit, killing 13 civilians including 7 children and 3 women. Twenty people were injured and there was significant damage to houses.

20. On 2 August 2013, a helicopter dropped two barrel bombs in two consecutive raids on residential areas. While one hit a vacant park, the other struck a residential building, killing a woman and her brother. Thirty-two others were injured.

21. On 10 August, four barrel bombs were dropped on residential areas, again in Al-Raqqa city, killing 36 people and injuring many more.

Aleppo governorate

22. The campaign of shelling and aerial bombardment of Aleppo governorate has been prosecuted with shocking intensity. The Government's on-going campaign has made liberal use of barrel bombs on Al-Safirah in September and on Aleppo city and the Al-Bab region in particular, between November 2013 and January 2014.

23. Al-Safirah, a town 25 kilometres east of Aleppo city, is home to a large number of internally displaced persons, many of whom live in a camp on the outskirts of the town. In early September, Government helicopters released several barrel bombs over Al-Safirah and its IDP camp. While rebel fighters were present in the town and numbered among the casualties, the majority of those killed were civilians. The shelling and bombardment, including with barrel bombs, continued into October. On 20 October, civilians fleeing the town were killed in barrel bomb attacks on their vehicles.

24. Barrel bombs were dropped by Government helicopters on Aleppo city throughout November and December. Attacks have continued into January 2014. Use of barrels bombs in Aleppo city was documented as taking place on 23 November, on 9, 16, 17, 20, 24, 28 December and on 1 January 2014. Across the span of these attacks, several hundred of civilians have been killed, many of them children.

25. On 23 November, a helicopter targeted Al-Marjeh neighbourhood in Aleppo city with three barrel bombs. Twenty-eight people were killed and 25 others were injured. All the victims were civilians. Ten civilian homes were also destroyed. On the same day, barrel bombs exploded in a vegetable market in Tariq Al-Bab neighbourhood, killing 25 civilians, many of them women and children. The blast caused a fire which led to further civilian casualties and injuries.

26. On 9 December, a barrel bomb exploded near to a school and a medical point in Al-Zabedia neighbourhood. At least four people were killed, including a pregnant woman. All victims were civilians.

27. On 17 December, Government helicopters targeted civilians gathering in a crowded market in Al-Maadi neighbourhood. Twenty people were killed, including three women and five children. Some survivors lost limbs.

28. On 20 December, a barrel bomb was dropped on a family home in Al-Sukkari neighbourhood. Five civilians were killed including one woman and two children. At least forty were injured including a five-year-old boy. Due to shrapnel injuries to the head, the boy now has limited ability to move and speak. Ten residential buildings were destroyed.

29. Again on 24 December, multiple barrel bombs struck Al-Sukkari neighbourhood. The bombs fell on residential areas and the shopping district. At least 30 people were killed and more injured. Twelve residential building collapsed. One bomb hit a gas station, causing deaths by burning as well as serious injuries. Another bomb hit a mosque where children were receiving religious instruction. Consequently many children were killed.

30. At noon on 28 December, a Government helicopter released multiple barrel bombs over Al-Myasser neighbourhood. One of the injured was a 14-year-old boy who received shrapnel injuries to the head. He underwent an operation to remove the shrapnel from his brain but this proved unsuccessful. Consequently, the boy has lost the ability to speak and is partially paralysed. In a separate barrel bomb attack, helicopters dropped barrel bombs on a vegetable market, while civilians sought to buy food. Over 25 people were killed.

31. On 1 January, a helicopter also dropped barrel bombs on Al-Sukkari neighbourhood. The bombs landed in the main shopping area, killing 20 people and injuring many others. Commercial premises were destroyed.

32. Barrel bomb attacks occurred in Al-Bab on 30 November, 1 December and 12 January 2014.

33. Government forces dropped barrel bombs on other civilian-inhabited towns and villages in Aleppo governorate. On 21 November, a helicopter dropped barrel bombs on Souran, killing 14 civilians, including women and children. At least one man, a passenger in a car, lost his leg in a shrapnel injury.

34. On 23 November, helicopters targeted the industrial zone of Sheikh Najar with barrel bombs. Three people – civilian workers – were killed. There were an unspecified number of injuries as well as significant destruction of property. On the same day, helicopters released barrel bombs over Tadef, south of Al-Bab city killing 15 people. Children were among the dead. One bomb struck a fuel seller. The ensuing blaze burnt people to death and caused serious burns to survivors.

35. On 28 November, a Government helicopter dropped barrel bombs over Dawar Qadi Askar during the day when people were out shopping. At least 14 people were killed including children and one pregnant woman. The barrel bombs caused a residential building to collapse and severed the main water supply line.

36. On 19 December, a nine-year-old girl lost both of her legs in a barrel bomb attack on Hreitan. The girl was playing with some other children on the roof of her apartment block when they heard the sounds of a helicopter overhead. The helicopter was flying too high to be visible. While the other children ran, the girl was the last off the roof and lost her limbs in a shrapnel injury. On the same day, in a barrel bomb attack on Minbij, five civilians, including three children, were killed and nine were injured. A residential building and several cars were also destroyed.

Dara'a governorate

37. December 2013 and January 2014 saw an increase in the use of barrel-bombs.

38. In mid-December, a warship helicopter dropped barrel bombs on Jasem city, killing over twenty civilians. On 3 January 2014, barrel bombs were dropped from helicopters on residential areas in Inkhil and Jasem, following an attack by armed group fighters' on an army checkpoint.

Damascus governorate

39. January 2014 saw a dramatic increase in the use of barrel-bombs on Damascus governorate, with Daraya being particularly hard hit.

40. On 7 January 2014, barrel bombs killed an unspecified number of civilians in Douma, a suburb of Damascus city. On 14 January, Government helicopters dropped barrel bombs on civilian-inhabited areas in Daraya, Arbin and Zabadani, all in the Damascus countryside. This campaign is ongoing.

Conclusion

41. Government forces consistently failed to employ precision weapons when attacking targets in dense urban areas. Repeatedly throughout the reporting period, they deployed highly imprecise munitions with an expansive impact zone. Inevitably, these weapons killed and injured large numbers of civilians. Such weapons included barrel bombs.

42. Where barrel bombs were built as de facto incendiary weapons, they also violated rules of international humanitarian law prohibiting the use of weapons that cause superfluous injury, unnecessary suffering or that are indiscriminate by nature.

43. Government helicopters dropped barrel bombs in the hours before break of fast during Ramadan, on fuel depots, and on busy market areas. The information strongly indicates that the manner in which the attacks were carried out, the timing and duration of the attacks demonstrates that the aim of the Government's campaign of barrel-bombing was to terrorise the civilian population present in the areas attacked, with the clear message that no civilian was safe anywhere at any time of the day or night.

Annex VII

[English only]

Assaults on medical care

I. Introduction

1. The deliberate targeting of hospitals, medical personnel and transports, the denial of access to medical care, and ill-treatment of the sick and wounded, has been one of the most alarming features of the Syrian conflict. According to multiple accounts collected by the Commission of Inquiry, Government forces and affiliated militias interfere with and instrumentalise medical care to further strategic and military aims. Evidence collected by the Commission leads to an overwhelming conclusion: Government forces deny medical care to those from opposition-controlled and affiliated areas as a matter of policy. The policy is implemented through attacks on medical units, by endangering hospitals, targeting medical personnel, and interfering with patients receiving treatment. Victims relay harrowing accounts of the wounded and sick languishing at checkpoints unable to reach medical treatment, coming under renewed attack in hospital and doctors providing impartial aid being arrested and targeted. There is also evidence that some anti-Government armed groups have attacked hospitals in certain areas.

2. Article 3, common to the four Geneva Conventions of 1949, binding all parties to the non-international armed conflict in Syria, requires the wounded and sick be collected and cared for. Customary international humanitarian law also affords special protection to hospitals, medical units and healthcare personnel. Under Syria's constitution, adopted in 2012, the Government must "protect citizen's health and provide means of prevention, treatment and medication." International Human Rights Law prohibits the arbitrary deprivation of life. The right to health, enshrined in the International Covenant on Economic, Social and Cultural Rights, to which Syria is party, contains a non-derogable core obligation to ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups, as set out in General Comment No. 14. Intentionally directing attacks against hospitals and places containing the sick and the wounded and against medical units using the Red Cross or Red Crescent emblem is a war crime in non-international armed conflict.

3. The Commission is presenting this thematic conference room paper to the 24th session of the Human Rights Council to highlight an enduring and underreported trend in the ongoing conflict. The findings that follow are emblematic examples documented by the Commission working within its methodological limitations and within the constraints on access imposed by the Government. The incidents described are indicative of wider patterns. The denial of medical care as a weapon of war is a distinct and chilling reality of the war in Syria. By rejecting the irrefutable and universally accepted principle that those wounded in hostilities must be treated, the parties to the conflict in Syria are setting a dangerous precedent.

II. Attacks on hospitals and medical units

4. Since the beginning of Syria's unrest, Government forces have strategically assaulted hospitals and medical units to deprive persons perceived to be affiliated with the

opposition of medical care. In an early example, Special Forces raided and closed down a hospital in Mouadamieh, Damascus because it treated injured protesters. They arrested patients, doctors and nurses.

5. As the violence escalated in early 2012, Government forces bombed and shelled opposition-operated field hospitals providing treatment to the wounded. The pattern of attacks indicates that Government forces deliberately targeted hospitals and medical units to gain military advantage by depriving anti-Government armed groups and their perceived supporters of medical assistance. These attacks continue to date.

6. In Homs, hospitals and medical units came under violent attack throughout 2012. In February and March, Government forces shelled field hospitals in Bab Amr from nearby villages. Three field hospitals providing emergency first aid were hit multiple times, causing considerable damage. The operating room of one field hospital was entirely destroyed. According to one victim, "The only warning was the noise made by the shell as it was fired." Following aerial surveillance by Government helicopters, a field hospital in Al Qusayr received repeated artillery fire throughout May and June. Medical staff explained that the hospital did not use distinctive emblems, so as not to attract fire from Government forces.

7. Government forces repeatedly targeted hospitals in Tal Rifat during military operations in northern Aleppo governorate between April and August 2012. On 5 April, a private hospital was aerially bombarded, reportedly from Mennagh airport. Also in April, Tal Rifat public hospital was destroyed by airstrikes and forced to close. Field hospitals attempted to continue providing care but were attacked by fighter jets from May to early August. There was a strong belief among survivors that the hospitals were targeted because they provided treatment to opposition fighters and civilians affiliated with the opposition.

8. As anti-Government groups took control of eastern and southern Aleppo city on 19 July 2012, Al Zarzou Hospital in Ansari neighbourhood came under mortar fire by Government forces, damaging the fifth floor and forcing an evacuation of patients. The hospital became administered by the opposition-affiliated Aleppo City Medical Council and was subsequently attacked by Government mortars in December 2012 and aerially bombarded in February and March 2013, causing considerable damage.

9. Aleppo's Dar Al Shifa public hospital also suffered repeated attacks between August and November 2012. On 12 August, helicopters fired artillery shells at the hospital, and in early October rockets hit the hospital. On 12 November, the hospital was targeted by a missile strike. These attacks injured and killed civilians receiving treatment in the hospital and medical personnel, significantly damaged the hospital's infrastructure and substantially reduced its ability to treat patients. On 11 August 2012, the state hospital in Tafas, Dara'a was attacked after helicopters surveyed the area. Patients receiving treatment at the time were evacuated, while others were killed in the attack. On 20 June 2013, a fighter jet dropped a bomb on the National Hospital of Al Raqqa, causing the total destruction of the intensive care unit and injuring three medical staff members.

10. In June 2012, Government forces began a concerted targeting campaign on field hospitals in Al Haffe, Latakia. One field hospital, located in a private home in Jingil village, was shelled on 5 June, and another field hospital, operating from a mosque in Al Zankoufa village, was hit on 13 June. The field hospitals were providing first aid to the sick and wounded and were staffed by volunteers and several doctors and nurses. Throughout December 2012 and January 2013, Government forces attacked field hospitals in Yarmouk Camp, Damascus. Fayiz Halwa and Al Basil hospitals were repeatedly hit with mortar fire, causing extensive damage to their infrastructure and ability to provide medical aid.

11. Al Huda private hospital in Sbaneh, Damascus was shelled on 25 July 2012. As well as a floor dedicated to wounded fighters, the hospital contained a maternity ward and an

emergency trauma care unit. Survivors and eyewitnesses believed the hospital was deliberately shelled from a Government military base in Mount Qassioun. The Al Majana private hospital in Ariha, Idlib, was hit by rocket fire on 28 August 2012. The attack damaged the emergency wing. The following day on 29 August, Government and pro-Government forces raided the hospital, destroying equipment, harassing the medical staff and accusing them of providing medical treatment to anti-Government armed group fighters. One doctor present during the attack explained, "If doctors treated opposition fighters, they were considered to be part of the opposition." Al Saeed private hospital in Al Arfi, Dayr az Zawr treating wounded civilians and fighters alike was repeatedly targeted between 19 July and 26 November by Government forces positioned on the bank of the Euphrates River. It was shelled on five occasions, injuring numerous patients and medical personnel. The hospital closed due to damage suffered.

12. In 2013, hospitals in Dara'a came under concerted attack. Since February, after Government forces withdrew from Jasem, field hospitals inside the town have been repeatedly shelled and aerially bombarded. Doctors and medical volunteers operating the field hospitals have been forced to relocate every few days to avoid being targeted. Since February, field hospitals in Tariq Asad in Dara'a Al Balad have been shelled almost continuously, killing doctors and patients. As such attacks continue, field hospitals have literally been driven underground, forced to operate in the basements of houses.

13. Anti-Government armed groups have also attacked medical facilities. On 14 April 2012, 250 Al Farouk Brigade fighters attacked the National Hospital in Jurat Al Shayyah, as part of a military offensive on Homs city. After several days' resistance from Government forces, the Al Farouk Brigade took control of the hospital. The Brigade took no precautions to avoid civilian casualties or to protect the sick and wounded during the attack. Government forces responded with aerial bombardment, which largely destroyed the hospital on 17 April.

14. In a recent incident, in late May 2013, anti-Government armed groups attacked the National Hospital in Dara'a, causing considerable damage. A member of the FSA brigade that carried out the attack on the hospital said that his group believed that there were approximately 50 patients in the hospital, and that all were affiliated with the Government. When orders were given to attack the hospital, none of the fighters involved protested that it was a protected object and no warnings were given prior to the attack.

III. Endangering hospitals

15. Placing military objectives in hospitals constitutes a failure to take all feasible precautions to protect civilians from the effects of attack. Such acts also contravene the fundamental obligation to respect and protect medical units. Using hospitals, outside their humanitarian function for acts harmful to the enemy, such as sheltering able-bodied combatants, storing arms or ammunition, as military observation posts or shields for military action, leads to a loss of their protection, exposing such hospitals to a risk of attack. This may prevent the impartial provision of medical treatment, endanger patients and medical professionals, and compromise the humanitarian function of medical facilities. Ultimately, this has a grave impact on the fulfillment of the obligation under common article 3 to care for the sick and wounded. Further, failing to respect the emblem of the Geneva Conventions undermines its protective purpose.

16. On 22 March 2011, Government forces entered the National Hospital in Dara'a city, cleared the hospital of non-essential medical staff and positioned snipers on the roof of the hospital overlooking the Omari mosque. The following day, the snipers fired on protesters. Snipers remained stationed on the National Hospital until May 2013, firing on sick and

wounded persons attempting to approach the hospital entrance. Security forces also continued to occupy the hospital until that date, ensuring only Government soldiers or civilians from Government-controlled areas of Dara'a received care. In late May 2013, anti-Government armed groups attacked the National Hospital in Dara'a.

17. As Government forces withdrew from Jasem in February 2012, Military Security retained control of Amal Hospital until 28 April 2013. At least three tanks were stationed in its courtyard, yet the hospital remained operational.

18. In Homs, Government forces conducted hostilities from several hospitals. In April 2012, Government forces established two military checkpoints at the perimeter of Al Rastan hospital. Following attacks by opposition fighters, Government forces occupied the hospital, positioning military personnel, snipers and tanks within the hospital grounds. By October 2012, the sick and wounded could not approach the hospital for fear of being fired upon, stating, "the hospital has become a military base." Since at least December 2011, Government armed forces have been positioned inside the National Hospital in Al Qusayr, Homs Governorate. In 2012, wounded and sick persons seeking medical care were hit by sniper fire from the hospital. Passersby and nearby residents were also targeted. As the Government began its Al Qusayr operation in May 2013, it positioned tanks and heavy artillery within the hospital. Snipers, tanks, armoured personnel carriers and heavy artillery were also placed around and inside Abdul Qadir Al Shaqfa Military Hospital in Al Waer, Homs. According to former hospital staff, the hospital was used to launch attacks on Al Waer and Jurat Al Shayyah neighbourhoods in May 2013.

19. Accounts from June 2012 describe the occupation of the National Hospital in Al Haffe, Latakia by soldiers and military personnel. Snipers positioned on the hospital roof targeted all those approaching the hospital, preventing access to medical treatment.

20. In September 2012, a Free Syrian Army (FSA) brigade in Mo Hassan, Dayr az Zawr, established a compound in an elementary school, exposing the field hospital located in the adjacent high school to attack. On 9 September and 29 September, the schools were targeted by airstrikes from fighter jets, causing significant damage to the field hospital. During the FSA offensive on Helfaya, Hama, around 18-20 December 2012, another FSA brigade attacked checkpoints surrounding the National Hospital, gaining control of the hospital. The National Hospital had been used as a base by Government forces.

IV. Targeting of medical personnel and transport

21. One of the most insidious trends of the armed violence in Syria has been the targeting of healthcare personnel. Ambulance drivers, nurses, doctors and medical volunteers have been attacked, arrested, unlawfully detained, and disappeared. Anti-terrorism laws issued on 2 July 2012 effectively criminalised medical aid to the opposition. Laws 19, 20 and 21 contravene the customary international humanitarian law rule that under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

22. From April to June 2011, Government forces carried out a wave of arrests against medical professionals in Damascus. In April, five doctors working at Al Fateh Hospital and Al Mowasah University Hospital were arrested and detained after they refused to comply with Military Intelligence orders to deny treatment to injured protesters. Three doctors were tortured in Air Force Intelligence custody. Security forces arrested and mistreated a pharmacist in Mouadamieh, accused of providing treatment to protesters. In June 2011, two doctors working at the Tishrin Military Hospital were summoned to Military Security Branch 291 in Kafr Sousa, where they were detained, interrogated about their activities in

support of demonstrators and ill treated. Upon release, the Military Services Administration discharged them from duty.

23. Intelligence and law enforcement agencies have forcibly disappeared medical personnel providing treatment to perceived opposition supporters. From June 2011 until early 2012, Government security services repeatedly raided Bab Sbaa National Hospital in Homs, arresting doctors and nurses. One nurse explained that "at one point there were no more doctors left in the hospital." During 2012, Government forces conducted a wave of arrests and extra-judicial executions of medical personnel working at Aleppo's opposition affiliated Al Zarzou Hospital. In June 2012, Air Force Intelligence arrested three medical professionals at the hospital. Their burned bodies were found three days later. In July 2012, Dr. Nur Maktabi, a senior doctor at Al Zarzou Hospital went missing. In December 2012, he was found dead. A surgical assistant at Al Zarzou Hospital disappeared in October 2012. In mid-December 2012, the hospital's anaesthetist disappeared at a Government-controlled checkpoint on his way home from Aleppo.

24. In early 2012, a doctor was arrested by soldiers of the 6th Division while treating patients at a state hospital in Idlib. In February 2012, Government forces arrested a doctor who treated FSA soldiers at Meydani Hospital in Latakia. On 28 June 2012, police in Damascus arrested, detained and subjected a nurse to psychological torture while interrogating her about patients she had treated.

25. Persons who received treatment in field hospitals often faced arrest and interrogation as to the names and locations of the hospitals and doctors who provided them with medical care. This has led to the arrest of doctors, as recorded in Dara'a in April and July 2011. In 2012 and 2013, doctors operating in field hospitals in Homs were allegedly declared wanted persons by Government security forces for providing support to the opposition. After a Government forces ground operation on Al Haffe, Latakia in June 2012, pro-Government militia fighters killed a doctor working at the field hospital operating in a mosque in Al Zankoufa village.

26. Persons delivering medical supplies have also been targeted. In March 2012, Government security forces reportedly listed a pharmacist who established first aid clinics in Idlib as a wanted terrorist and member of the armed opposition. In August 2012, officers at a Government checkpoint in Athman, Homs, stopped and searched an ambulance delivering medical supplies. The driver of the ambulance was taken to an intelligence service detention facility. Two weeks later, the National Hospital in Dara'a released his body, bearing extensive injuries consistent with severe torture.

27. Since the beginning of the conflict, at least 20 Syrian Arab Red Crescent volunteers have been killed, in some cases by sniper fire, while aiding the wounded or delivering relief supplies. Dozens others have been arrested and detained by the Government. On 7 September 2011, a Red Crescent ambulance evacuating wounded civilians was attacked next to a Government checkpoint in Al Hamediyah, Homs, killing one paramedic and injuring three others. In May 2012, the Syrian Arab Red Crescent unit in Azaz, Aleppo discontinued frontline work having suffered consistent sniper fire while attempting to evacuate the wounded. Also in May, the Red Crescent office in Azaz was shelled. In July 2012, a Red Crescent volunteer was killed by a sniper near Abdel Aziz mosque in Dara'a city's Al Mahatta neighbourhood, while carrying out humanitarian duties. On 24 August 2012, a Government sniper shot and injured a Red Crescent nurse near Al Omari mosque in Dara'a. The sniper was located 200 metres away and would have seen his uniform and distinctive emblem. In early September 2012, a sniper in Al Midan neighbourhood in Aleppo city shot a medical emergency worker in full medical uniform and holding a medical bag bearing the Red Crescent logo. In March 2013, Government forces seized a Red Crescent ambulance in Jobar, Damascus. The ambulance personnel, all in uniform

bearing the Red Crescent emblem, were arrested and detained by security services for 10 days.

28. Recently, a Syrian surgeon working in an Aleppo hospital operated by Médecins Sans Frontières, was killed. His body was found on 3 September 2013. He had been treating victims of the conflict.

29. The clearly established pattern indicates that Government forces deliberately target medical personnel to gain military advantage by depriving the opposition and those perceived to support them of medical assistance for injuries sustained. While Government harassment and targeting of medical personnel continues, it appears to have diminished in 2013 because a considerable number of doctors have left the country or accepted the restrictions that security forces imposed on hospitals.

30. Other doctors have left Government-controlled areas and attempted to ensure continuity of medical care in opposition-controlled areas. However, there are increasing indications that certain anti-Government armed groups also fail to respect medical personnel. In late April 2013, the head doctor of a field hospital in northern Aleppo city was detained by members of Jabhat Al Nusra after he refused to display their banner in the hospital, insisting that the hospital was a neutral space. The doctor was held by the Sharia Committee for several days.

31. The Commission documented one case in which an armed opposition group targeted an ambulance. This occurred on 16 August 2013, when Hamad Abd al Jalil Battalion fighters attacked a Kurdish Red Crescent ambulance in Al Hasakah, killing the patient, the ambulance driver and paramedic. Before firing upon the clearly marked ambulance, the fighters had targeted it with an IED on the Ras Al Ain - Desbasiyeh road.

V. Interference with care and ill-treatment

32. Security forces have arrested and detained wounded persons in medical facilities, claiming bullet or shrapnel wounds as evidence of participation in opposition activities. The overbroad formulation of Law 19, article 10 allows its application in a manner that requires doctors to inform on patients in all cases, which is inconsistent with international humanitarian law's insistence that "persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to medical ethics or to other medical rules designed for the benefit of the wounded and sick". In several instances, medical personnel refused to treat persons for fear of arrest. In Aleppo, Damascus, Dara'a, Dayr az Zawr, Hama, Homs, Idlib and Latakia governorates, wounded and sick persons were denied treatment on sectarian or political grounds by Government forces. Healthcare has become militarized to the extent that many in need elect not to seek medical assistance in hospitals for fear of arrest, detention, torture or death. Through such measures, the Government has deliberately obstructed the efforts of the sick and wounded to receive help.

33. In exploiting medical care to further strategic and military aims, Government forces have engaged in agonizing cruelty against the sick and wounded. The Commission has recorded consistent accounts spanning the conflict of the ill-treatment and torture of persons in military hospitals. There are strong indications of collusion between military hospitals and various security agencies in the use of torture.

34. Between April and August 2011, security officers, at times with the involvement of medical personnel, beat persons in the emergency trauma ward of the Military Hospital of Tishrin, Damascus. Most victims of this ill-treatment were protesters that had been injured by Government forces.

35. The Military Hospital of Aleppo contains a detention ward operated by the Aleppo Military Security branch. According to former doctors and medical personnel who worked in the hospital between November 2011 and December 2012, patients in this ward are heavily guarded by security officers, chained to their beds and blindfolded. Security personnel act as intermediaries between patient and doctor, often obstructing medical care as a torture and interrogation tactic.

36. Former patients, doctors and medical personnel have consistently described the alarming treatment of persons in Military Hospital No. 601 in Al Mezzeh, Damascus. Accounts indicate that some medical professionals have been co-opted into the maltreatment. Since 2011, Military Security, Military Intelligence, Air Force Intelligence, the Security Department of the Syrian Army's 4th Division and the Republican Guard have brought detainees to separate security wards inside the hospital. Detainees, including children, have been beaten, burned with cigarettes, and subjected to torture that exploits pre-existing injuries. Many patients have been tortured to death in this facility.

37. Consistent accounts from Abdul Qadir Al Shaqfa Military Hospital in Al Waer, Homs, indicate that security officers tortured persons brought for medical treatment from April 2011 to September 2012. Doctors were ordered to keep victims alive so that they could be interrogated further. Eyewitnesses describe how patients were chained to their beds and blindfolded, provided minimal food and water and subjected to harsh treatment.

VI. Conclusion

38. Violence against healthcare has significant compound effects, causing dramatic increases in mortality among the sick and wounded. The breakdown of medical services in wartime disproportionately affects vulnerable segments of the population, such as children under the age of five, nursing mothers, the disabled and elderly. In Syria, their suffering is exacerbated by the conduct of the parties to the conflict. As documented in the Commission's previous reports, both Government forces and anti-Government armed groups have employed siege warfare, preventing the passage of humanitarian aid and basic necessities, including medicine and medical supplies. Such tactics have long-term repercussions on the ability of entire communities to treat war-related and chronic healthcare problems.

39. Syria's healthcare system has fragmented along conflict lines. According to UNRWA, 32 of the country's 88 public hospitals have closed. Twenty-six of those closed are in Aleppo, Damascus, Homs and Dayr az Zawr, the four governorates most affected by the conflict. The Government reported in March 2013 that 10-15% of doctors have left the country. In contested areas, the healthcare system has largely fallen apart and is being replaced by an improvised, inadequate system, constantly at risk of attack by Government forces. Hospitals that remain operational under Government control often lack impartiality.

40. Government forces have abused the vulnerable, the wounded and the sick, exploiting their need for medical aid to further military aims. By attacking medical facilities, using hospitals as bases for military action, targeting medical personnel and interfering with patients receiving treatment, Government forces have perpetrated a concerted policy of denying medical aid to those affiliated with or part of the armed opposition. The first efforts to humanise warfare focused on the protection of the sick and wounded and those providing them with care. The incidents and patterns recorded reveal that the actions of the Syrian Government from 2011 to date have been a cynical betrayal of this fundamental principle.

41. The documented incidents of anti-Government armed group attacks against hospitals are of grave concern, as they demonstrate a disregard for the specially protected status of

healthcare facilities and a failure to take precautions to avoid civilian casualties and protected the sick and wounded.

42. The Commission of Inquiry on the Syrian Arab Republic reaffirms its recommendations (A/HRC/24/46) regarding the need to ensure the protection of civilians and compliance with international humanitarian law. The parties to the conflict must respect the special protection afforded to medical facilities and personnel. The Commission entreats the Government to fulfill its obligations under international human rights law to ensure the right to health, a right that is closely and inextricably linked to the rights to life, human dignity, non-discrimination, equality and the prohibition against torture and ill-treatment.

Annex VIII

[English only]

Map of the Syrian Arab Republic